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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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Under Secretary is excepted under Schedule C.

Effective October 17, 1975, § 213.3315 (a) (43) is added as set out below:

§ 213.3315 Department of Labor.

(a) * * *

(43) One Staff Assistant to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28022 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Staff Assistant to the Deputy Director is excepted under Schedule C.

Effective October 17, 1975, § 213.3364 (l) is added as set out below:

§ 213.3364 U.S. Arms Control and Disarmament Agency.

* * * * *

(l) One Staff Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28024 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (b) (3) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(b) * * *

(3) One Special Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28021 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator (Policy Planning) is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (l) (1) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(l) *Office of the Deputy Administrator (Policy Planning).*

(1) One Special Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28020 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Director, Materials Transportation Bureau is excepted under Schedule C.

Effective October 17, 1975, § 213.3394 (a) (4) is added as set out below:

§ 213.3394 Department of Transportation.

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

(4) One Secretary to the Director, Materials Transportation Bureau.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28023 Filed 10-16-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-20; Order No. 537]

PART 35—FILING OF RATE SCHEDULES

Rate Design Information

OCTOBER 9, 1975.

Revisions to regulations under the Federal Power Act to provide for filing of rate design information.

On April 26, 1974, the Commission issued a notice of proposed rulemaking proposing to amend the Regulations under the Federal Power Act by requiring the submission of rate design information by public utilities as a part of their filings of initial rate schedules under Section 35.12 of the regulations and their filing of rate schedule changes under Section 35.13.

In the original notice, the Commission referred to its policy ". . . to develop the role of rate design in the conservation and efficient utilization of energy resources . . ." Accordingly, the proposed regulations would have required an explanation of each rate design in relation to conservation as well as cost considerations. The Commission also specifically called into question the typical design of rates in power contracts, stating that they must be considered promotional in nature.

Comments in response to the notice of April 26 were received from 34 parties. These parties are shown on Appendix A of this order. A majority of parties expressed opposition to the proposed rulemaking. Several of the parties contended that the proposed filing requirements would be unduly burdensome. For the most part, however, the majority of parties opposing the rulemaking interpreted it as an attempt by the Commission to depart from traditional cost-based rates in order to achieve certain social, economic, or conservation objectives. A total of sixteen parties, including utilities, public and rural cooperative distribution systems, and retail industrial consumers, strongly voiced their continued support for the concept of cost-based rates.

In order to clarify the purpose and intent of the proposed rulemaking, the Commission issued a revised rulemaking notice on February 14, 1975, incorporating certain modifications to the original proposals. The renotice makes clear the central role of costs in determining the reasonableness of rate designs, and eliminates the suggestion or implication that the Commission intends to depart from the principle of cost-based rates.

Comments in response to the renotice were received from seven investor-owned utilities, the Salt River Project, the Environmental Defense Fund (EDF) and General Motors Corporation. The commenting parties are listed in Appendix B.

A majority of the commenting investor-owned utilities object wholly or in part to the proposed regulations on grounds the required information would be burdensome and in some cases difficult to prepare. Based upon a review of these comments, we find that the proposed regulations will in all likelihood be less burdensome in practice than may be anticipated by the utilities, and that in any event the information sought is necessary in order to properly enable this Commission to determine the justness and reasonableness of proposed rates, as required by Sections 205 and 206 of the Federal Power Act.

General Motors in its comments strongly supports the concept of cost-based rates, and further recommends that the proposed rulemaking require the submittal or data which would reveal the impact upon customers of any rate which is not cost-based. In view of the revisions contained in the renotice, we find that the additional information requested by General Motors has not been shown to be necessary in achieving the purpose or objectives of the proposed rulemaking, and the request to include such information is therefore denied.

EDF suggests the proposed regulations be modified to require the reporting of annual and monthly load duration curves, estimated incremental capacity costs, maximum and typical weekday and weekend instantaneous demands, and other information necessary to apply the principles of so-called marginal cost pricing.

It appears EDF's suggestions go well beyond the scope of the present rulemaking and must therefore be denied. Nevertheless, in view of widespread and growing interest in application of marginal cost pricing principles, including peak load pricing, long run incremental cost pricing, time-of-day metering, daily and seasonal differentials and the like, we believe that this is a matter of deserving of our attention insofar as such pricing techniques are applicable to rates subject to our jurisdiction.

Section 202(a) of the Federal Power Act makes reference to two principal objectives to be pursued by the Commission, namely: (1) assurance of ". . . an abundant supply of electric energy throughout the United States with the greatest possible economy . . ." and (2) regard for ". . . the proper utilization and conservation of natural resources . . ." The principal thrust of national power policies for many decades has been toward the first of these objectives. Recently, however, public policy has shifted to greater concern for the second objective, namely proper utilization and conservation of our natural resources including fuels and raw materials as well as air, water and land. It is primarily with the latter objective in view that some degree of restructuring of electric utility rates to reflect marginal cost pricing principles may be in order. It has been argued that pricing on this basis will bring about a closer alignment of rates to costs and thereby minimize misallocation of resources as well as reduce waste, inequity and discrimination.

The Federal Power Act establishes criteria for this Commission in the exercise of its rate regulatory authority. Rates must be just and reasonable, nonpreferential and non-discriminatory. We believe that it would be appropriate for the Commission to consider the extent to which application of marginal cost pricing principles will result in rates which conform more closely with these criteria while at the same time achieving the objectives outlined above. The record before us in this proceeding, however, does not provide a sufficient basis to determine the feasibility of applying marginal cost pricing principles to the design of rates subject to our jurisdiction, particularly rates charged to distributor systems for firm power.[1] Issuance of the subject filing requirements will not prejudice any party's rights, including those of our staff, to offer innovative rate design proposals through evidentiary presentations. Indeed, we believe that this matter should be examined by all electric systems with a view to determining whether alternate pricing mechanisms, particularly those based on marginal cost principles, for wholesale sales subject to the jurisdiction of this Commission would be economically sound as well as in accordance with statutory requirements. We note that at the present time a number of studies of rate design alternatives are in progress. We would welcome the introduction into evidence in rate proceedings before this Commission materials that become available from these studies to assist us in reaching judgements that are in the public interest.

Based on a review of the record in this rulemaking proceeding including the Commission's notices and the comments filed in response thereto, we find that the proposed revised regulations set forth in the renotice of February 14, 1975, are necessary to the proper discharge of our regulatory responsibilities under the Federal Power Act, and that such regulations should be approved and adopted. The regulations as set forth in the February 14, 1975, renotice will be amended to make clear the requirement to submit the specified rate design information with rate increase applications of less than $50,000 annually. They will be further clarified, in response to the comments of Detroit Edison Company, to eliminate any apparent duplication of the requirement to file summary cost data.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking by the submission in writing of data, views, and comments in the manner described above are in accordance with the procedural requirements of Section 553 of Title 5 of the United States Code.

(2) The amendments of the Commission's regulations herein prescribed are necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Section 309 thereof (49 Stat. 858–859; 16 U.S.C. 829h) *orders:*

(1) A new § 35.12(b)(5) of the Commission's Regulations under the Federal Power Act is added immediately following Section 35.12(b)(4), to read as follows:

§ 35.12 Filing of initial rate schedules.

* * * * *

(b) * * *

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(b)(4)(iii) Statement P. In addition to the summary cost analysis required by Statement P, the public utility shall also submit a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(i) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(ii) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the proposed rate schedule and the kWh delivered from the filing public utility's supply system.

(iii) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

(2) Existing § 35.13(b)(4)(ii) is revised as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

(ii) Statements A through O need not be filed where a proposed rate increase amounts to less than $50,000 annually. Increases of less than $50,000 annually shall, however, be accompanied by the information specified in § 35.12(b) (2) and (5), except where the increase results from changes such as an increase in the number of delivery points or a change in delivery-voltage.

§ 35.13 [Amended]

(3) Existing Statement P under § 35.13 (b)(4)(iii) is revised as follows:

[1] Pricing on the basis of incremental costs, however, is quite common in rate schedules covering power pooling type transactions.

Statement P. In support of the design of the proposed rate, the filing public utility shall submit the following material:

(1) A narrative statement describing and justifying the objectives of the design of the proffered rate. If the purpose of the rate design is to reflect costs, the narrative should state how that objective is achieved, and should be accompanied by a summary cost analysis that would justify the rate design. If the rate design is not intended to reflect costs (whether fully distributed, incremental or other) a statement should be furnished justifying the departure from cost-based rates.

(2) where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the cost allocation determinants supporting such charges, an explanation shall be submitted setting forth the economic or other considerations which warrant such departure. The information should include, but need not be limited to, the following:

(a) For rate schedules so structured, where the individual rates for the demand, energy, and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for the differences.

(b) For rate schedules so structured, where the rates being charged contain more than one demand or energy block, a detailed explanation shall be submitted indicating the rationale for the blocking and the considerations upon which such blocking is based, together with adequate cost support for the specific blocking.

(4) Existing Section 35.13(b)(4)(iii) is amended by revising the portion of the introductory text beginning with the words "Following is a description . . ." to read as follows:

Following is a description of statements A through P required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through P together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the test period.

(5) The revised regulations promulgated by this order shall become effective 30 days following the date on which this order is issued.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

PARTIES SUBMITTING COMMENTS ON DOCKET NO. RM74-20

1. Carolina Power & Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. Iowa-Illinois Gas and Electric Company.
6. Iowa Southern Utilities Company.
7. Louisiana Power & Light Company.
8. Northern States Power Company (Minnesota).
9. Ohio Edison Company.
10. Pennsylvania Power Company.
11. Public Service Company of New Hampshire.
12. Southern Indiana Gas and Electric Company.
13. Wisconsin Electric Power Company.
14. Wisconsin Public Service Corporation.
15. Butler Rural Electric Cooperative, Inc.
16. City of Webster City, Iowa.
17. New England Public Systems (7 Connecticut and Massachusetts municipals).
18. Kansas Forestry, Fish and Game Commission.
19. New York Public Service Commission.
20. American Public Power Association.
21. O. Franklin Rogers, representing:
    (a) National Rural Electric Cooperative Association.
    (b) 19 rural cooperative associations.
    (c) 2 municipal associations.
    (d) 1 regional service organization serving electric cooperatives, municipals and public power districts.
22. Environmental Action Foundation.
23. Mid-America Coalition for Energy Alternatives.
24. Natural Resources Defense Council, Inc.
25. Resources for the Future, Inc.
26. U.S. Environmental Protection Agency.
27. Air Products and Chemicals, Inc.
28. American Cyanamid Company.
29. Georgia Industrial Group representing 21 industrials.
30. FMC Corporation.
31. Jones & Laughlin Steel Corp.
32. Owens-Illinois, Inc.
33. Vulcan Materials Company.
34. Gilbert Management Consultants.

APPENDIX B

PARTIES SUBMITTING COMMENTS ON RENOTICING IN DOCKET NO. RM74-20

1. Carolina Power and Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. New England Power Company.
6. Public Service Company of Colorado.
7. Public Service Company of New Hampshire.
8. Salt River Project.
9. Environmental Defense Fund.
10. General Motors Corporation.

[FR Doc.75-27943 Filed 10-16-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75F-0221]

PART 121—FOOD ADDITIVES

Resinous and Polymeric Coatings

Notice was given in the FEDERAL REGISTER of September 18, 1974 (39 FR 33584), that a petition (FAP 5B3029) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 (21 CFR 121.2514) be amended for the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" by deleting the limitation on the types of foods that may be contacted by the copolymers.

The Commissioner of Food and Drugs, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2514 should be amended as set forth below; effective October 17, 1975.

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), § 121.2514(b)(3)(xv) is amended by revising the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *
(3) * * *
(xv) * * *

Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers	containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 17, 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 17, 1975.

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

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27958 Filed 10-16-75;8:45 am]

[Docket No. 75N-0216]

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

Phenylbutazone Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-618V) filed by Philips-Roxane, Inc., St. Joseph MO 64502, pro-

posing safe and effective use of phenylbutazone tablets for anti-inflammatory treatment of the musculoskeletal systems in horses. The application is approved, effective October 17, 1975.

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, under 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), § 520.1720a is amended by revising paragraph (c) to read as follows:

§ 520.1720a Phenylbutazone tablets and boluses.

* * * * *

(c)(1) *Specifications.* The drug is a tablet containing 100 or 200 milligrams, or one gram of phenylbutazone.

(2) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) It is used for the relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses.

(ii) It is administered orally as follows:

(*a*) *Dogs:* Administer 100- or 200-milligram tablets at 20 milligrams per pound of body weight in three divided doses daily, with a maximum dosage level of 800 milligrams per day regardless of body weight. It is used at a relatively high dosage level for the first 48 hours and then reduced gradually to a maintenance dosage level, with the lowest dosage maintained at the level capable of producing the desired clinical response.

(*b*) *Horses:* The 1-gram tablet is administered at 1 to 2 grams per 500 pounds of body weight, not to exceed 4 grams per animal per day. As symptoms regress, reduce dosage to 25 percent to 50 percent of initial dose as needed to control symptoms. If there is no improvement in 5 days, discontinue treatment. Treated animals should not be used for food purposes.

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

* * * * *

Effective date. This regulation shall be effective October 17, 1975.

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

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27957 Filed 10-16-75;8:45 am]

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

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gentamicin Sulfate Injection and Intrauterine Solution

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (38-292V, 46-724V) filed by Schering Corp., Kenilworth, NJ 07033, proposing safe and effective use of gentamicin sulfate, veterinary, in the manufacture of gentamicin sulfate injection for the treatment of dogs and cats and gentamicin sulfate intrauterine solution for the treatment of horses. The applications are approved, effective October 17, 1975.

Accordingly, § 522.1044 (21 CFR 522.1044) is being amended to provide for the alternate use of gentamicin sulfate, veterinary, in the manufacture of the product used for the treatment of dogs and cats and certain additional indications; and § 529.1044a (21 CFR 529.1044a) is being amended to provide for the alternate use of gentamicin sulfate, veterinary, in the manufacture of the product for the treatment of horses.

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 522, § 522.1044 is amended by revising paragraphs (a) and (c)(1) to read as follows:

§ 522.1044 Gentamicin sulfate injection.

(a) *Specifications.* If intended for use in dogs or cats, each milliliter of the drug contains 50 milligrams of gentamicin (as the sulfate) in sterile aqueous solution. If intended for use in turkeys, each milliliter of the drug contains 5 milligrams of gentamicin (as the sulfate) in sterile aqueous solution.

* * * * *

(c) * * *

(1) It is used or intended for use in:

(i) Dogs: For the treatment of infections of urinary tract (cystitis, nephritis), respiratory tract (tonsillitis, pneumonia, tracheobronchitis), skin and soft tissue (pyodermatitis, wounds, lacerations, peritonitis).

(ii) Cats: For the treatment of infections of urinary tract (cystitis, nephritis), respiratory tract (pneumonitis, pneumonia; upper respiratory tract infections), skin and soft tissue (wounds, lacerations, peritonitis), and as supportive therapy for secondary bacterial infections associated with panleucopenia.

* * * * *

2. In Part 529, § 529.1044a is amended by revising paragraph (a) to read as follows:

§ 529.1044a Gentamicin sulfate intrauterine solution.

(a) *Specifications.* Each milliliter of the drug contains 50 milligrams of gentamicin (as the sulfate) in sterile aqueous solution.

* * * * *

Effective date. This order shall be effective October 17, 1975.

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

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27960 Filed 10-16-75;8:45 am]

[Docket No. 75N-0246]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nystatin, Neomycin, Thiostrepton, and Triamcinolone Acetonide Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-258V) filed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, proposing that safe and effective conditions of use of nystatin, neomycin, thiostrepton, and triamcinolone acetonide ointment for topical treatment of cutaneous disorders in dogs and cats require that the drug be dispensed by or on the order of a licensed veterinarian. The supplemental application is approved, effective October 17, 1975.

The Commissioner is amending § 524.1600a (21 CFR 524.1600a) 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, under 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), Part 524 is amended in § 524.1600a by adding paragraph (c)(2)(v), to read as follows:

§ 524.1600a Nystatin, neomycin, thiostrepton, and triamcinolone acetonide ointment.

* * * * *

(c) * * *

(2) * * *

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

Effective date. This regulation shall be effective October 17, 1975.

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

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27956 Filed 10-16-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Miscellaneous Amendments; Correction

On October 10, 1975 (40 FR 47792) the Department published Miscellaneous Amendments to Part 82. The effective date for these amendments was inadvertently omitted. The Secretary has determined that in view of the extreme urgency for these changes which are based largely on public comment, good cause exists for making the amendments effective upon publication.

Accordingly, the effective date appearing on page 47793 should be October 9, 1975.

DOUGLAS M. PARKER,
Deputy General Counsel.

[FR Doc.75-27980 Filed 10-16-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-712]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 F.R. 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Lonoke	Cabot, city of	Sept. 26, 1975, emergency	Jan. 17, 1975		
Colorado	Eagle	Minturn, town of	do	Aug. 16, 1974		
Florida	Madison	Lee, town of	do	Sept. 6, 1974		
Do.	Washington	Vernon, city of	do	June 28, 1974		
Georgia	Coweta and Fulton.	Palmetto, city of	do	June 14, 1974		
Kentucky	Spencer	Taylorsville, town of	do	Feb. 1, 1974		
Louisiana	St. Landry Parish.	Grand Coteau, town of	do	Dec. 7, 1973		
Massachusetts	Essex	Topsfield, town of	do	Sept. 13, 1974		
Do.	Hampshire	Williamsburg, town of	do	do		
Michigan	Barry	Castleton, township of	do			
Do.	Macomb and St. Clair.	Memphis, city of	do			
Minnesota	Clay	Glyndon, city of	do	May 17, 1974		
Missouri	Scott	Benton, city of	do			
New Hampshire	Hillsborough	Bedford, town of	do	Mar. 29, 1974		
New York	Schoharie	Carlisle, town of	do	Sept. 20, 1974		
Do.	St. Lawrence	Hermon, town of	do	Feb. 7, 1975		
Do.	Wayne	Macedon, town of	do	Dec. 20, 1974		
Do.	Ulster	Marbletown, town of	do	Sept. 20, 1974		
Do.	Schuyler	Montour, town of	do	July 19, 1974		
Do.	Chenango	Pitcher, town of	do	Sept. 20, 1974		
Do.	Cattaraugus	Randolph, village of	do	Nov. 22, 1974		
North Carolina	Alamance	Mebane, town of	do			
Ohio	Cuyahoga	Valley View, village of	do	Jan. 23, 1974		
Oklahoma	Pontotoc	Allen, town of	do	June 28, 1974		
Do.	Cleveland	Lexington, city of	do	do		
Oregon	Sherman	Unincorporated areas	do			
Pennsylvania	Butler	Harrisville, borough of	do	Jan. 24, 1975		
Do.	Lycoming	McNett, township of	do	July 25, 1975		
Do.	Allegheny	Ohio, township of	do	Sept. 20, 1974		
Utah	Sevier	Elsinore, town of	do	Jan. 10, 1975		
Do.	do	Sigurd, town of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area.	Hazard area identified	State map repository	Local map repository
Louisiana	Natchitoches Parish.	Natchez, village of	Sept. 29, 1975, emergency			
Michigan	Lake	Pleasant Plains, Township of.	do	Aug. 1, 1975		
Minnesota	Rice	Dundas, city of	do	Oct. 25, 1974		
Do	Anoka	St. Francis, city of	do	June 28, 1974		
Missouri	Iron	Pilot Knob, city of	do	Feb. 14, 1975		
New Jersey	Cumberland	Greenwich, township of	do			
Do	Burlington	Westampton, township of	do	June 28, 1974		
New York	Washington	Kingsbury, town of	do	Nov. 1, 1974		
Oklahoma	Cherokee	Hulbert, town of	do	Apr. 12, 1974		
Pennsylvania	Carbon	Lansford, borough of	do	June 7, 1974		
Do	Indiana	Marion Center, borough of	do	Aug. 30, 1974		
Do	Schuylkill	North Manheim, township of.	do	Nov. 15, 1974		
Do	Monroe	Price, township of	do	do		
South Dakota	Aurora	Plankinton, city of	do	June 7, 1974		
Tennessee	Shelby	Collierville, city of	do	Feb. 14, 1975		
Do	Sequatchie	Dunlap, city of	do	May 24, 1974		
Do	Maury	Spring Hill, city of	do	May 17, 1974		
Utah	Weber	Harrisville, city of	do	Aug. 8, 1975		
Vermont	Franklin	Bakersfield, town of	Sept. 26, 1975, emergency	Feb. 7, 1975		
Do	Orleans	Orleans, village of	do	Aug. 9, 1974		
Wisconsin	Barron	Dallas, village of	do	July 19, 1974		
Do	Waupaca	Iola, village of	do	June 7, 1974		
Wyoming	Park	Meeteetse, town of	do	Nov. 22, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area.	Hazard area identified	State map repository	Local map repository
Alabama	Chambers	LaFayette, city of	Sept. 30, 1975, emergency	Dec. 6, 1974		
Colorado	Conejos	Antonito, town of	do	July 11, 1975		
Georgia	Carroll	Bowdon, city of	do	Nov. 15, 1974		
				Aug. 8, 1975		
Do	Mitchell	Pelham, city of	do			
Idaho	Power	American Falls, city of	do	May 24, 1974		
Illinois	Stark	Bradford, village of	do	Dec. 20, 1974		
Do	Williamson	Carterville, city of	do	Feb. 15, 1974		
Do	Christian	Taylorville, city of	do	Sept. 6, 1974		
Indiana	Johnson	New Whiteland, town of	do	Jan. 16, 1974		
Louisiana	Jefferson Parish	Jean Lafitte, village of	do			
Minnesota	Carlton	Cornwell, city of	do	Aug. 30, 1974		
Missouri	Wright	Hartville, city of	do	June 28, 1974		
New Jersey	Warren	Frelinghuysen, township of	do	Nov. 22, 1974		
New York	Cattaraugus	Ashford, town of	do	Sept. 13, 1974		
Do	Otsego	Edmeston, town of	do	Dec. 20, 1974		
Do	Chautauqua	North Harmony, town of	do			
Do	Chenango	Plymouth, town of	do	Oct. 18, 1974		
Ohio	Henry	Napoleon, city of	do	May 31, 1974		
Pennsylvania	Luzerne	Hollenback, township of	do	Dec. 13, 1974		
Do	Chester	Lower Oxford, township of	do	Oct. 18, 1974		
Do	Westmoreland	New Stanton, borough of	Sept. 22, 1975, emergency	Aug. 2, 1974		
Do	Wayne	Salem, township of	do	Nov. 29, 1974		
Do	Bradford	Springfield, township of	do	Nov. 8, 1974		
Do	Northampton	Tatamy, borough of	do	Apr. 12, 1974		
Do	Jefferson	Washington, township of	do	Feb. 7, 1975		
Tennessee	Perry	Linden, town of	do	June 14, 1974		
Utah	Emery	Orangeville, city of	do	June 7, 1974		
Vermont	Franklin	Berkshire, town of	do	May 31, 1974		
Wisconsin	Jackson	Unincorporated areas	do			
Do	Trempealeau	Arcadia, city of	do	Nov. 30, 1973		
Do	Oconto	Gillett, city of	do	Apr. 12, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Clinch	Dupont, city of	Oct. 1, 1975, emergency			
Illinois	Bureau	Manlius, village of	do	Mar. 8, 1974		
Do	Gallatin	New Haven, village of	do	Jan. 16, 1974		
Indiana	Dearborn	West Harrison, town of	do	Sept. 6, 1974		
Iowa	Cedar	Lowden, city of	do	June 28, 1974		
Maine	Kennebec	Chelsea, town of	do	Feb. 21, 1975		
Do	Aroostook	Dyer Brook, town of	do	Feb. 14, 1975		
Do	do	Easton, town of	do	Oct. 18, 1974		
Do	Waldo	Freedom, town of	do	Feb. 14, 1975		
Do	do	Lincolnville, town of	do	Nov. 22, 1974		
Do	Cumberland	Standish, town of	do	Apr. 18, 1975		
Do	Oxford	Stoneham, town of	do	Feb. 21, 1975		
Do	Waldo	Winterport, town of	do	do		
Massachusetts	Middlesex	Stow, town of	do	Oct. 18, 1974		
Michigan	Oakland	Orchard Lake Village, city of.	do	July 18, 1975		
Missouri	St. Louis	Hanley Hills, village of	do	Aug. 2, 1974		
New Hampshire	Strafford	Durham, town of	do	Sept. 13, 1974		
New Jersey	Sussex	Frankford, township of	do	Jan. 31, 1975		
Do	Warren	Hackettstown, town of	do			
New York	Orange	Crawford, town of	do	Nov. 15, 1974		
Do	Rensselaer	Grafton, town of	do	Nov. 1, 1974		
Tennessee	Shelby	Germantown, city of	do			
Texas	Bexar, Comal and Guadalupe.	Selma, city of	do	Dec. 6, 1974		
Virginia	Highland	Unincorporated areas	do	Mar. 21, 1975		
West Virginia	Mercer	Bluefield, city of	do			
Do	Fayette	Meadow Bridge, town of	do	Dec. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 23, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27709 Filed 10-16-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7381]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Commencement of Benefits Under Qualified Trusts

Correction

In FR Doc. 75-27007 appearing on page 47107 of the issue for Wednesday, October 8, 1975, the last line in the first column, reading "normal retirement benefits". The re-", should read "normal retirement age, actuarially re-".

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1953—CHANGES TO STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Requirements for Adoption of Permanent Federal Standards

Pursuant to the authority of sections 8(g)(2) and section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667) (hereinafter called the Act), 29 CFR Part 1953, "Changes to State Plans for the Development and Enforcement of State Standards" is amended by adding to Subpart C, "Federal Program Change Supplements", a revised § 1953.23(a) adding requirements for adoption by States of changes to permanent Federal Standards adopted under section 6(b) of the Act.

Under section 18(c) of the Act an approved State plan must provide for standards which are or will be at least as effective as comparable Federal standards. Section 1902.4(b)(2)(ii), which implements this requirement, provides that a State must have an adequate method to assure that its standards will continue to be at least as effective as the Federal standards and States with approved plans have been required to incorporate this assurance in their plans. Confusion has existed in the past over the implementation of this assurance, but most States have complied within a six month time limit and all States generally have the ability to do so. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may extend this time period where a State can show good cause why such a delay is necessary.

Therefore, it is determined that it is reasonable to provide that States must meet the requirement for continuing to maintain standards at least as effective as those promulgated under Section 6(b) of the Act by adopting State standards comparable to new permanent Federal standards, or more stringent amendments to existing Federal standards, within six months after the adoption of the new permanent Federal standard, or any more stringent amendment to an existing permanent Federal standard. As pointed out in § 1953.20, a Federal standard change that would either not affect, or that would result in no diminution of the effectiveness of comparable State regulation, generally would not require action by the States. The six months period is set forth as a reasonable maximum time frame for accomplishment of the required State standard action and is not meant to discourage prompter State action. For example, where State law provides for continued incorporation of Federal standards by reference, the appropriate State action would be accomplished almost simultaneously with the Federal standard action. Separate requirements are found in § 1953.22 for State adoption of standards comparable to Federal temporary emergency standards published under section 6(c) of the Act.

The revised §1953.23(a) includes statements of policy, interpretations of the Act and interpretations of existing regulations. Regulations dealing with statutory interpretations and policy statements do not require a public comment period prior to becoming effective. (5 U.S.C. 553(b)(3)(A)). Accordingly, the Assistant Secretary finds good cause exists and that no public comment period or notice is necessary.

In consideration of the foregoing, § 1953.23(a) of Part 1953, Chapter XVII, Title 29, Code of Federal Regulations, is hereby revised to read as follows:

§ 1953.23 Submission and consideration of Federal program changes.

(a)(1) Within a reasonable time after the occurrence of a Federal program change, other than promulgation of emergency temporary standards, the Assistant Regional Director, as directed by the Assistant Secretary, shall advise the States of the Federal program change and that a State supplement is required. The notification shall also contain a time period, generally not to exceed 30 days, for submission of the Federal program change supplement, or a schedule for the completion of such change.

(2) Where the Federal program change is a new permanent standard, or a more stringent amendment to an existing permanent standard, the State shall promulgate a State standard adopting such new Federal standard, or more stringent amendment to an existing Federal standard, or an at least as effective equivalent thereof, within six months of the date of promulgation of the new Federal standard or more stringent amendment. The Assistant Secretary may permit a longer time period if the State makes a timely demonstration that good cause exists for extending the time limitation.

* * * * *

(Secs. 8(g), 18; Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), and 667))

Signed at Washington, D.C. this 6th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-27992 Filed 10-16-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Marriage Dates of Widows and Widowers

On page 37059 of the FEDERAL REGISTER of August 25, 1975, there was published a notice of proposed regulatory development to amend § 3.54 relating to marriage dates of widows and widowers. Paragraph (a) of § 3.54, applicable in pension cases, provides that the delimiting date for veterans who served during the Vietnam era is "10 years after end of Vietnam era." Presidential Proclamation 4373, signed by the President on May 7, 1975, designated May 7, 1975, as the last day of the Vietnam era. This amendment to § 3.54 establishes May 8, 1985, as the specific delimiting date for widows and widowers of Vietnam era.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective May 7, 1975.

Approved: October 14, 1975.
By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

In § 3.54, paragraph (a) (3) (vii) is revised to read as follows:

§ 3.54 Marriage dates.

* * * * *

(a) *Pension.* Death pension may be paid to a widow or widower who was married to the veteran:

* * * * *

(3) Prior to the applicable delimiting dates, as follows:

* * * * *

(vii) Vietnam era..... May 8, 1985.

* * * * *

[FR Doc.75-28059 Filed 10-16-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 433-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Implementation Plan

On February 19, 1975, the Director of the Oregon Department of Environmental Quality (DEQ) submitted to the Administrator revisions to the Oregon Administrative Rules (OAR) Chapter 340, Sections 12-030 through 12-055, *Civil Penalties*, as a proposed revision to the Oregon State Implementation Plan (SIP). Pursuant to Section 110 of the Clean Air Act, as amended, announcement of receipt of the revision was published in a Notice of Proposed Rulemaking in the FEDERAL REGISTER on June 26, 1975 (40 FR 27050). Public comments were solicited as to whether or not the proposed revision should be approved or disapproved. No comments were received during the thirty-day period provided.

The Oregon Environmental Quality Commission repealed the former rules pertaining to Civil Penalties (Sections 12-005 through 12-025) and adopted the new Civil Penalty Rules on September 4, 1974 after proper notice and public hearing in accordance with 40 CFR 51.4 and 51.6. The revision for Civil Penalties is summarized as follows:

1. Each violation is considered a separate and distinct offense and, in cases of continued violation, each day's continuance shall be so considered. Proceedings for the assessment of multiple penalties for multiple violations may, however, be consolidated into a single proceeding.

2. Prior to the assessment of Civil Penalties, the DEQ shall serve written notice of violation and state that the DEQ will assess a civil penalty if the violation continues five days following service of the notice. Written notice shall not be required in cases where the respondent has otherwise received actual notice of the violation not less than five days prior to the violation for which a penalty is assessed. Advance notice will not be required where the pollution or contaminant source would normally not be in existence for five days, or where the source might leave or be removed from the DEQ's jurisdiction.

3. Factors considered in the levying of penalties include the following:

a. Whether the respondent has committed any prior violation, regardless of whether any action was commenced.

b. The history of the respondent in the matter of taking all feasible steps to correct the violation.

c. The economic and financial condition of the respondent.

d. The seriousness of the violation.

e. Whether the violation was continuous, and repeated.

f. Whether the cause of violation was accidental and unavoidable, or occurred through negligence or deliberate action on the part of the respondent.

g. The opportunity and degree of difficulty to correct the violation.

h. The cooperativeness of the respondent in efforts to correct the cause of the violation.

i. The cost to the Department of investigation and correction procedures prior to receipt of the respondent's answer to written notice.

j. Unless discussed in the respondent's answer to written notice of violation, the Commission presumes that the economic/financial conditions of the respondent will allow imposition of the penalty assessed. Burden of proof regarding economic conditions will rest with the respondent.

4. *Air Quality Schedule of Penalties.* The Civil Penalties schedules in the approved implementation plan provide specific penalties for certain violations. The revised regulation consolidates these into three basic types and is summarized as follows. In addition to any liability, duty, or other penalty provided by law, the appropriate authorities may assess a civil penalty for any violation pertaining to air quality by service of a written notice of assessment of civil penalty upon the respondent. The amount of penalty shall be determined by the following schedule:

1. Not less than $100 nor more than $500 for violation of an order of the Commission, DEQ, or regional air quality control authority.

2. Not less than $25 nor more than $500 for any violation which causes, contributes to, or threatens the emission of an air contaminant into the outdoor atmosphere.

3. Not less than $25 nor more than $300 for any other violations.

The Administrator has thoroughly reviewed and evaluated the revision to the Oregon Civil Penalties regulation and has determined the regulation to be approvable.

In addition to approving the Oregon Civil Penalties regulation, the Administrator is today correcting an error that occurred in the August 7, 1975 FEDERAL REGISTER (40 FR 33216). Under § 52.-1970(c) (2) the date January 24, 1974 should read January 17, 1974. This error is corrected below.

The Administrator finds good cause for making this rulemaking effective immediately, as the regulation is already in effect under State law and approval by EPA will impose no additional burdens on the parties affected.

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: October 10, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart MM—Oregon

In § 52.1970, paragraph (c) (2) is amended to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on: * * *

(2) August 10, 1972; February 8, 9, and 13, May 30, June 8, 22, and 25, July 17 and August 3, 20, and 27, 1973; January 17, 1974; and February 19, 1975, by the Department of Environmental Quality.

[FR Doc.75-28070 Filed 10-16-75;8:45 am]

[FRL 445-7; PP5F1637 and PP5F1638/R59]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carboxin

On July 18, 1975, notice was given (40 FR 30314) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany CT 06525, had filed two pesticide petitions (PP 5F 1637 and PP 5F1638) with the Environmetal Protection Agency (EPA). Both petitions proposed that 40 CFR 180.301 be amended by establishing a tolerance for residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6 - dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin); PP 5F1637 proposed a tolerance in or on the raw agricultural commodity soybeans at 0.2 part per million (ppm) and, PP 5F1638 proposed a tolerance in or on the raw agricultural commodities sorghum grain, fodder, and forage at 0.2 ppm.

The data submitted in the petitions and other relevant material have been evaluated, and the fungicide is considered to be useful for the purposes for which the tolerance is sought. Established tolerances are adequate to cover any residue which might occur in eggs, milk, and meat of livestock, and § 180.6 (a) (3) applies. The tolerance established by amending § 180.301 will protect the public health, and it has, therefore, been concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460.

Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975.

Part 180, Subpart C, § 180.301 is amended as set forth below.

Dated: October 10, 1975.

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

AUTHORITY: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Section 180.301 is amended by revising the paragraph "0.2 part per million . . ." to include the raw agricultural commodities sorghum grain, fodder, and forage, and soybeans to read as follows:

§ 180.301 **Carboxin; tolerances for residues.**

* * * * *

0.2 part per million in or on barley (grain and straw); corn (grain, fodder, and forage); fresh corn including sweet corn (kernels plus cob with husk removed); oats (seed and straw); rice and rice straw; sorghum (grain, fodder, and forage); soybeans; and wheat (grain and straw).

* * * * *

[FR Doc.75-28061 Filed 10-16-75;8:45 am]

[FRL 445-6; PP5F1533/R60]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Oxadiazon

On October 31, 1974, notice was given (39 FR 38411) that Rhodia Inc., Chipman Division, 120 Jersey Ave., New Brunswick NJ 18903, had filed a pesticide petition (PP 5F1533) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.346 be amended by the establishment of a tolerance for combined negligible residues of the herbicide oxadiazon (2-*tert*-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one) and its metabolites (2-*tert*-butyl-4-(2,4-dichloro-5-hydroxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one) and (2-carboxyisopropyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one) in or on the raw agricultural commodities almond hulls, the raw agricultural group nut crops (40 CFR 180.34), and pistachio nuts at 0.05 part per million (ppm).

Rhodia Inc. subsequently amended the petition by proposing that the tolerance be established only for Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, pistachio nuts, and walnuts.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, and meat byproducts of poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.346 of the regulations will protect the public health, and it has, therefore, been concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975, Part 180, Subpart C, § 180.346 is amended as set forth below.

Dated: October 10, 1975.

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

AUTHORITY: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Section 180.346 is amended by revising the paragraph "0.05 part per million . . ." to include the raw agricultural commodities Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, pistachio nuts, and walnuts to read as follows:

§ 180.346 **Oxadiazon; tolerances for residues.**

* * * * *

0.05 part per million (negligible residues) in or on Brazil nuts, bush nuts, butternuts, cashews, chestnuts, crabapples, filberts, hazelnuts, hickory nuts, macadamia nuts, pears, pecans, pistachio nuts, quinces, rice grain, stone fruit, and walnuts.

* * * * *

[FR Doc.75-28062 Filed 10-16-75;8:45 am]

[FRL 445-5; OPP-300006A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On September 8, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 41538) a notice of proposed rulemaking to amend 40 CFR 180.1001 by exempting certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of Section 408(e) of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received with regard to this notice, and it has, therefore, been concluded that the amendment to the regulations be adopted as proposed.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

Dated: October 10, 1975.

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

AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Part 180, Subpart D, § 180.1001 is amended by revising the item "α-(o,p-dinonylphenyl)-ω-hydroxypoly (oxyethylene) produced * * *" in paragraph (c) and by alphabetically inserting new item in paragraphs (c), (d), and (e) as follows:

§ 180.1001 **Exemptions from the requirement of a tolerance.**

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
α-Alkyl (C6-C10)-ω-hydroxypoly (oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.	.....	Surfactants, related adjuvants of surfactants.
* * * * * * *		
α-(o,p-dinonylphenyl)-ω-hydroxypoly(oxyethylene) produced by condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4-14 or 140-160 moles of ethylene oxide.	.....	Surfactants, related adjuvants of surfactants.
* * * * * * *		

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Glyceryltris 12-hydroxystearate.	.....	Flow control agent.
* * * * *		
Sodium tetraborate.	Not more than 2 percent of pesticide formulation.	Buffering agent; corrosion inhibitor.

(e) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
α-Alkyl (C6-C10)-ω-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.	.....	Surfactants, related adjuvants of surfactants.
* * * * * * *		
Glyceryltris 12-hydroxystearate	.....	Flow control agent.
* * * * * * *		
Polyacrylic acid	.....	Surfactants, related adjuvants of surfactants.
* * * * * * *		
Sodium carboxymethyl-cellulose	.....	Suspending and thickening agent.
* * * * * * *		
Sodium sulfate	.....	Solid diluent, carrier.
* * * * * * *		

[FR Doc.75-28063 Filed 10-16-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

In FR Doc. 75-24772 appearing at page 44709 in the FEDERAL REGISTER of September 29, 1975, season dates for ducks under "Remainder of State" under "Oregon" in the table at page 44720 reading "Oct. 11–Jan. 1" are corrected to read "Oct. 11–Jan. 11."

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711).

Dated: October 14, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-28056 Filed 10-16-75;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits and Possession of Certain Migratory Game Birds; Amendment

On September 29, 1975, a document was published in the FEDERAL REGISTER (40 FR 44709) amending certain sections of Part 20, Title 50 CFR to set open seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds in the United States for the 1975–76 season. Included in that document were season dates for hunting snow (including blue) geese in the Atlantic Flyway, under § 20.105(e).

Officials of the Division of Fish, Game and Shellfisheries of the New Jersey Department of Environmental Protection have notified the U.S. Fish and Wildlife Service that season dates for hunting snow geese in the Counties of Atlantic, Cape May, and Cumberland in the State of New Jersey are being changed from Nov. 10–Dec. 9 to Nov. 26–Dec. 25, with a noon opening on November 26. The remainder of the State continues to remain closed to snow goose hunting. The reason for the change is to bring the snow goose season in New Jersey into conformance with the stipulations contained in the *Final Regulations Frameworks for 1975–76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway* which were published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41096).

The Service concurs in this change since it brings the season dates for snow geese within the regular waterfowl season for New Jersey, as specified in the frameworks, to protect the snow goose from undue hunting pressure. Since the change in season dates fulfills a legal requirement set forth in the final frameworks, the Service finds that notice of a proposed rulemaking is impractical, unnecessary, and contrary to the public interest.

Furthermore, because of the need to expedite the implementation of this amendment in order to communicate the season change to the hunters in New Jersey prior to November 10th, the Service finds that "good cause" exists within the terms of 5 U.S.C. § 553(d)(3) of the Administrative Procedures Act; these regulations will therefore take effect immediately upon publication.

(40 Stat. 755; U.S.C. 703–711)

Effective date: October 17, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

OCTOBER 14, 1975.

Accordingly, in § 20.105 paragraph (e) is amended as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway. * * *

		Limits	
		Bag	Possession
* * * * * * *			
NEW JERSEY			
Ducks	Oct. 8*-Oct. 18; Nov. 26*-Jan. 3	Point system... 15	Point system. 30.
Coots			
Geese:			
Canada	Oct. 8*-Nov. 7; Nov. 26*-Jan. 3	3	6.
Snow (including blue) (in Atlantic, Cape May, and Cumberland Counties only).	Nov. 26*-Dec. 25	2	4.
Brant	Nov. 10-Dec. 9	1	3.
* * * * * * *			

[FR Doc.75-28057 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective during the period October 25, 1975 through December 31, 1975. Administrative and biological needs require the Eastern Neck Refuge deer hunting season to be held concurrent with the Maryland State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of White-tailed deer on the Eastern Neck National Wildlife Refuge, Maryland, is permitted on all areas except county roads, parking areas, and areas designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available from Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Archery only: October 25 and November 1, 1975.

Muzzle-loading longarm only: November 8, 1975.

Shotgun only: November 24, 25, 26, 29, 1975.

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must check in and out at the refuge check station before entering or leaving the refuge. All deer killed must be presented for examination at the refuge check station on the day killed.

(4) Hunters may not enter the refuge before sunrise and must check out no later than one hour after sunset.

(5) Possession of loaded weapons, including arrows notched in bows, is not permitted on county blacktop roads, in parking areas, in or on vehicles, and before shooting hours.

(6) All hunters must enter and leave by way of State Road 445 only. Entry by boat is not permitted.

(7) During all refuge hunts, hunters must furnish and wear, so as to be readily noticeable, daylight fluorescent orange caps or hats and a minimum of 144 square inches of fluorescent orange material worn on the chest and on the back above the waistline.

(8) Hunters under 18 years of age must be accompanied by a hunting, permit-holding adult.

(9) Contained fire cooking devices will be permitted within fifty (50) feet of legally parked vehicles and in the Bogle's Wharf and Ingleside Recreation Areas.

(10) All hunters must exhibit their hunting weapons, game, Federal permit, Federal qualification certificate, State hunting license, and deer-turkey stamp to Federal or State officers on request.

(11) A completed proficiency certificate will be required of all archery and all muzzle-loading longarm hunters. Valid proficiency certificates will be honored for three (3) years. The certificate will contain identification of shooter, identification of certifying individuals, and identification of weapons with which hunter is proficient. Required proficiency levels for muzzle-loading firearm hunters are placement of three (3) consecutive shots in a twelve (12) inch bullseye at a fifty (50) yard distance using an off-hand firing position and a minimum of .40 caliber and not less than 60 grains of black powder. The weapon ignition system used to hunt must be the same as that used to qualify. Bow hunters required proficiency will be the ability to place three (3) of five (5) consecutive shots in a nine (9) inch by fourteen (14) inch chest area of a standard deer target using bow and arrows legal for the taking of deer in the State of Maryland.

(12) All arrows in possession of archery hunters must have the hunter's full name and permanent address legibly affixed with indelible ink or paint to the arrow shaft.

(13) Use or possession of alcoholic beverages by hunters is not permitted during the hunt.

(14) A Federal hunt permit will be required of all participants in the deer hunts. Permits will be issued in advance of the season to hunters selected by lottery. Permits will be limited to seventy-five (75) per day for gun hunts, and one hundred (100) per day for archery hunts.

(15) The permit must be returned to the refuge at check-out or, in the case of persons unable to hunt on the day selected, the permit must be returned prior to December 31, 1975. Noncompliance with this and other regulations will subject hunter to regular penalties and, in addition, will be grounds for non-selection in future hunts.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

Dated: October 9, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27975 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on October 17, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public bow hunting of deer on the Tewaukon National Wildlife Refuge, North Dakota, is permitted from noon November 24, 1975, through December 31, 1975, on the entire refuge as posted. This area, comprising 7,929 acres, is delineated on maps available at refuge headquarters, Cayuga, North Dakota 58013, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

HERBERT G. TROESTER,
Refuge Manager,
Tewaukon National Wildlife Refuge.

OCTOBER 8, 1975.

[FR Doc.75-27976 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Santee National Wildlife Refuge, S.C.

The following special regulations are issued and are effective on November 1, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, South Carolina is suspended for

the 1975–76 season inasmuch as lands which have previously been hunted have been removed from the refuge under a lease agreement with the South Carolina Public Service Authority.

PHILLIP S. MORGAN,
Acting Regional Director.

OCTOBER 8, 1975.

[FR Doc.75-27977 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 20, 1975 through January 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Hunting of fox, raccoon and opossum on the Chincoteague National Wildlife Refuge, Virginia is permitted on areas designated as open to deer hunting, by authorized deer hunters, on dates open for deer hunting. Hunting will be in accordance with all applicable State regulations governing the hunting of fox, raccoon and opossum.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1976.

Dated: October 10, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27978 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 20, 1975 through January 2, 1976. Administrative and biological needs require the Chincoteague Refuge deer hunting season to be held concurrent with the Virginia State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery Hunt—Sika and white-tailed deer, either sex; (b) Stag hunt—Sika and white-tailed. Hunter must bag an adult female before a stag (five points or better) can be taken.

(2) Bag Limits: (a) Archery Hunt—One per day, two per license year, either sex; (b) Stag hunt—One per day, two per license year, with the provisions that the first deer must be an adult female and the second a stag (five points or better).

(3) Season: (a) Archery—Will coincide with the State archery deer season, except Sundays; (b) Stag hunt—November 17–19, November 20–21, December 1–5, December 8–12, December 15–19, December 22–26, and December 29, 1975–January 2, 1976. The number of Stag hunts will depend on the number of hunters applying.

(4) Weapon: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inches wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archer's possession while hunting must be *permanently marked with hunter's name* and address. Archers may not have firearms or illegal arrows in their possession. (b) Stag weapons—Rifles and shotguns, modern or antique, capable of holding only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of hunting areas by 8 p.m.

(7) Carrying loaded firearms or nocked arrows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires on refuge are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) *All wounded deer will be reported to refuge personnel immediately* so that data on the wounded deer can be gathered. All deer taken on the area must be brought by the maintenance area to be checked out. Jawbone may be removed by refuge personnel.

(11) Before a permit will be issued to any hunter he must take and pass a hunter qualification test based on State and Refuge hunting regulations. (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office. *The target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bullseye from 25 yards or better.* Hunter's name and complete mailing address should be on the target. Permits will be mailed or may be picked up in person at the refuge office. Permits must be returned with the data Section completed to the refuge office by November 30, 1975. Hunters failing to return their permit, whether used or not, may be refused a permit for the 1976 season. (b) Stag hunt—Hunters will be selected for each hunt by a drawing held on October 30 and will be notified of their selection by mail. To apply for the hunt, each hunter must submit a target to the refuge office not later than October 20, 1975. *The target must bear the name and address of the range and range official who actually witnessed the firing* of three consecutive shots held within a 12 inch bullseye from 50 yards or better. Hunter's name and address must be written on the target. Specify which hunt you prefer, if any. Permits to hunt will be issued during an orientation briefing at 8 a.m. on the Monday of each hunt, except for the hunt which begins on Thursday, November 20. The orientation briefing for this hunt will be held at 2 p.m. on Wednesday, November 19. Hunters will need to bring their license, big game tag and weapon to the briefing. A refuge official will show each hunter the boundaries of his or her assigned hunting area. All applicable Virginia game laws and Federal regulations shall be in effect.

(12) There are two species of endangered wildlife (Delmarva Fox Squirrel and Peregrine Falcon) found on the refuge, therefore, hunters must not shoot at any squirrels or birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through January 2, 1976.

Dated: October 10, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27979 Filed 10-16-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 230—YELLOWFIN TUNA

Increase in Incidental Catch Rate; Correction

FR Doc. 75-27306, as published in the issue of October 10, 1975, on page 47791, contained certain errors. The following corrections should be made:

1. Paragraph 2, line 6, the figure 70 percent (70%), should read "50 percent (50%)."

2. Paragraph 2, line 11, the figure 50 percent (50%), should read "70 percent (70%)."

Issued at Washington, D.C. and dated October 15, 1975.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-28183 Filed 10-16-75;9:33 am]

PART 280—YELLOWFIN TUNA

Revision of Incidental Catch Rate

Notice of revision of the incidental catch rate of yellowfin tuna for bait and jig boats is hereby given pursuant to § 280.7(b)(3), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, local time, at the port of departure on October 19, 1975, the incidental catch rate of yellowfin tuna for bait and jig boats will revert to 15 percent (15%). On the basis of the catch and present catch rate, as of October 19, 1975, the amount of yellowfin tuna caught during the closed season by bait and jig boats will have reached 2800 short tons as provided in § 280.7(b)(3), Title 50, Code of Federal Regulations.

Issued at Washington, D.C., and dated October 15, 1975.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-28184 Filed 10-16-75;9:33 am]

Title 7—Agriculture

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

PART 722—COTTON

1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*) (referred to as the "Act") with respect to the 1976 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1976 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) establish the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 18, 1975 (40 F.R. 30275), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1975. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, §§ 722.558 to 722.561 shall become effective upon the filing of this document with the Director, Office of the Federal Register. The material previously appearing in these sections under centerhead "1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Sections 722.558 through 722.561 are revised to read as follows:

§ 722.558 National marketing quota for the 1976 crop of ELS cotton.

The marketing quota for the 1976 crop of ELS cotton is hereby proclaimed to be an amount of 82,481 standard bales determined in accordance with Section 347 (b) of the Act. The marketing quota for the 1976 crop is the minimum quota prescribed under section 347(b)(2) of the Act. The quota is based on the following data:

(1) Estimated domestic consumption, 1976–77	68,000
(2) Estimated exports, 1976–77	+10,000
(3) Adjustment to assure adequate stocks and to provide the minimum quota	+24,481
(4) Estimated imports, 1976–77	−20,000
Total	82,481

§ 722.559 National acreage allotment for the 1976 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1976. The amount of such national allotment is 83,702 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 473 pounds per planted acre of ELS cotton for the four calendar years 1971, 1972, 1973 and 1974.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 83,702 acres as apportioned to the States in accordance with section 344(b) of the Act as follows:

State:	*State allotment (acres)*
Arizona	36,279
California	515
Florida	108
Georgia	111
New Mexico	17,029
Texas	29,660

§ 722.561 National marketing quota referendum for the 1976 crop of ELS cotton.

The national marketing quota referendum for the 1976 crop of ELS cotton shall be held during the referendum period December 8 to 12, 1975, inclusively, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940, 36 F.R. 12730, 38 F.R. 12891).

(Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1343, 1344, 1347, 1375).

Effective date: October 14, 1975.

Signed at Washington, D.C., on October 10, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-27895 Filed 10-14-75;9:58 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

Deletion of Chapter

By memorandudm dated September 8, 1975, the Acting Director of the Sugar Division, ASCS, notified the Director, Office of the Federal Register, that the Sugar Act of 1948 (61 Stat. 922, 7 U.S.C. 1100 *et seq.*) had expired. Regulations promulgated under the authority of this Act have been codified in Chapter VIII of Title 7, Code of Federal Regulations. Since the authority for those regulations has expired, Chapter VIII is hereby deleted.

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

[Lemon Reg. 16]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Oct. 19–25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.316 Lemon Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is unchanged this week on all sizes. Average f.o.b. price was $9.09 per carton the week ended October 11, 1975, compared to $8.44 per carton the previous week. Track and rolling supplies at 47 cars were down 5 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 14, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 19, 1975, through October 25, 1975, is hereby fixed at 210,000 cartons.

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

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

Dated: October 16, 1975.

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

[FR Doc.75-28244 Filed 10-16-75;11:30 am]

PART 966—TOMATOES GROWN IN FLORIDA

Handling Regulation

During the period October 20 through November 23, 1975 this regulation, designed to provide orderly marketing of Florida tomatoes, imposes a minimum grade of U.S. No. 3, a minimum size of 2 $\frac{6}{32}$ inches in diameter and requires inspection of fresh shipments. The establishment of such requirements under Marketing Order No. 966 is necessary to keep undesirable tomatoes from being shipped to consumers.

Findings: (1) Pursuant to Order No. 966, as amended (7 CFR Part 966), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee established pursuant to the order, and upon other available information, it is hereby found that the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The regulation imposes minimum grade, size, and maturity requirements on the handling of tomatoes. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 966.50 of the order. This regulation is necessary to prevent the handling of any tomatoes of lower grades or smaller sizes than those specified in the regulation, and to provide the trade and consumers with tomatoes of acceptable quality pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because shipments of tomatoes from the production area are expected to begin on or about the effective date hereof. The recommendation and supporting information for regulation were submitted to the Department after an open meeting of the Florida tomato committee; said meeting was held to consider recommendations for regulations, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and handlers registered under the order as required in § 966.113 have been informed of the proposal. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of such tomatoes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date of the regulation.

§ 966.313 Handling regulation.

During the period October 20, 1975, through November 23, 1975, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes except that when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be over 2-4/32 inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2-17/32 inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—sml for small, med for medium, lg for large, ex lg for extra large, or max lg for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight.

(iii) If the container in which the tomatoes are packed has been previously used, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Inspection certificates must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a) (1) and the size classifications of paragraph (a) (2) except that tomatoes shall be over 2 4/32 inches in diameter; and the container weight requirements of paragraph (a) (3) if such tomatoes comply with the inspection requirements of paragraph (a) (4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877), effective December 1, 1973, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in acordance with OMB Circular A–107.

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

Dated: October 15, 1975.

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

[FR Doc.75-28141 Filed 10-16-75;8:45 am]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Findings: (a) Pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), it is hereby found that the import regulation, hereinafter set forth, should be made effective, and that the minimum grade, size, quality and maturity requirements are the same as those in effect under Marketing Order No. 966, as amended (7 CFR Part 966), for shipments of tomatoes grown in the Florida production area.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) in fixing the effective date hereof consideration was given to the time required for transportation of the tomatoes and entry into the United States; and (3) such notice is in excess of the three day minimum required by the act.

The regulation is as follows:

§ 980.209 **Tomato import regulation.**

Except as otherwise provided, during the period October 23, 1975, through November 23, 1975, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and over 2-4/32 inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(d) *Designation of governmental in-*importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmenal inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2992).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	John L. Coulon, P.O. Box 10163, Santurce, P.R. 00908, (Phone 809-783-2220 or 4416).	2 days.
New York City.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474, (Phone 212-991-7669 or 7668).	1 day.
New Orleans...	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-589-6741 or 6742).	Do.
Miami.....	Lloyd W. Boney, 1350 NW. 12th Ave., Room 530, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-3511, Extention 33 and 813-294-2089).	Do.
All other points.	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855-51.1877 of this title).

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

Signed October 15, 1975, to become effective October 23, 1975.

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

[FR Doc.75-28142 Filed 10-16-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION ORDER

Referendum Order

A public hearing on a proposal to formulate an Egg Research and Promotion Order, submitted by 19 States, regional, and national producer organizations on behalf of egg producers, was held in Atlanta, Georgia, May 6 and 7; in Philadelphia, Pennsylvania, May 12; in Des Moines, Iowa, May 15; in Dallas, Texas, May 19; and in South San Francisco, California, May 22, 1975. The hearing was held pursuant to the notice thereof published in the FEDERAL REGISTER, March 27, 1975, 40 FR 13513-13517, and as corrected, April 8, 1975, 40 FR 15906. Following the hearing and the designated period of time for filing briefs, a recommended decision and order were prepared by the Acting Administrator and published in the FEDERAL REGISTER, August 13, 1975, 40 FR 33982-33995. Exceptions to the recommended decision and order were due to be filed not later than September 12, 1975. The decision and order were thereafter prepared by the Secretary and published in the FEDERAL REGISTER, October 1, 1975, 40 FR 45176-45190.

It is hereby directed that a referendum be conducted beginning on November 3, 1975, and ending on November 28, 1975, in accordance with the procedure for the conduct of referenda (7 CFR 1250.200 et seq.), to determine whether issuance of the Egg Research and Promotion Order, as published in the FEDERAL REGISTER, issued pursuant to the provisions of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.), is approved or favored, as required by section 9 of the act, by eligible egg producers who during the representative period were engaged in commercial egg production and who are engaged in the production of commercial eggs at the time of voting.

The representative period for the conduct of such referendum is hereby determined to be June 1, 1975, through August 31, 1975.

The agents of the Secretary to conduct such referendum are hereby designated to be Pierre C. Boucher and James W. Coddington, both of the Poultry Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA). The said agents may appoint subagents to assist them in performing their functions hereunder.

If any eligible voter does not receive a ballot by November 3, 1975, the beginning date of the referendum period, such individual may obtain a ballot from a county office of the Agricultural Stabilization and Conservation Service, USDA, or from the Director, Poultry Division, AMS, USDA, Washington, D.C. 20250. Copies of the complete text of the Egg Research and Promotion Order may be obtained from the Poultry Division, AMS, USDA, Washington, D.C. 20250.

Signed at Washington, D.C., on October 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-27967 Filed 10-16-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Definition of Bona Fide Hedging

As announced in the FEDERAL REGISTER on August 18, 1975, the Commodity Futures Trading Commission ("Commission") is considering defining the term "bona fide hedging transactions or positions" as that term is used in section 4a(3) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 6a, as amended by section 404 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act"), Pub. L. No. 93-463, 88 Stat. 1389, 1413. See 40 FR 34627 (August 18, 1975). The Commission is required to define bona fide hedging transactions or positions by October 18, 1975, and the Commission's prior August release requested public comment on an appropriate definition. The Commission release suggested certain broad areas for comment, and requested that all comment be submitted to the Commission by September 15, 1975.

In response to that release the Commission has received approximately 100 comments and, as of the date of this release, was still receiving comments. While many of the comments stressed the same issues, numerous areas were raised which the Commission had not previosly considered but which the Commission believes deserve due consideration. For that reason, the Commission has determined that it will be unable to promulgate a new definition of bona fide hedging transactions or positions prior to October 18, 1975. However, the Commission has determined to adopt § 1.3(z) of the present regulations under the Commodity Exchange Act with minor changes as an interim definition of bona fide hedging transactions and positions. That interim definition will remain effective until such time as a new definition is promulgated by the Commission.

Section 1.3(z) was promulgated by the Secretary of Agriculture pursuant to section 404 of the CFTC Act and was published for public comment in the FEDERAL REGISTER on November 11, 1974. See 39

FR 39731. Subsequently, on March 12, 1975, § 1.3(z) in an amended form was adopted by the Secretary. See 40 FR 11560. Since that time, § 1.3(z) has been in effect with little adverse comment from hedgers. The Commission, however, acknowledges that it is not satisfied with revised § 1.3(z), especially as it applies to the newly regulated or so-called "world" commodities. Therefore, the Commission has determined to adopt § 1.3(z) as an interim measure only. In order to adopt a more permanent definition, the Commission anticipates proceeding as follows:

The Commission has appointed the Advisory Committee on the Economic Role of Contract Markets which will, among other things, study the area of bona fide hedging transactions or positions. Also the Commission has directed its staff to draft a proposed new definition. All comments presented (either prior to or after the date of this FEDERAL REGISTER notice) will be considered in the formation of that definition and will be made a part of the record for the purposes of any proceeding which follows. The proposed definition will be published in the FEDERAL REGISTER, and comment on the newly proposed definition will be requested. At the end of the comment period, public hearings may be held by the Commission on an appropriate definition of bona fide hedging transactions or positions.

The Commission is mindful of the problems that § 1.3(z) presents in the area of the newly regulated commodities; however, those problems may be avoided during the interim period if speculative limits are not imposed. For that reason, the Commission has determined that, barring unforeseen circumstances, it will not impose speculative limits on the newly regulated commodities until such time as a new definition of bona fide hedging transactions or positions is adopted. However, such exemption shall not include those newly regulated commodities which have exchange imposed limits. The Commission expects the exchanges to continue enforcing those limits in accordance with their rules.

For clarification purposes, since a distinction is made on CFTC reporting forms between hedging and speculation, the Commission has amended paragraph (1) of § 1.3(z) to clearly reflect that that paragraph is applicable to agricultural commodities, relates to commodities wherever grown (the previous paragraph had contained a parenthetical statement that the commodity had to have been grown in the United States or its Territories), and extends the anticipatory period in the case of cane sugar only to eighteen months.

Accordingly, the Commission has adopted, pursuant to sections 4a(3) and 8a(5), § 1.3(z), as amended, effective October 18, 1975, as its definition of bona fide hedging transactions or positions.

Section 1.3(z), as revised, reads as follows:

§ 1.3 Definitions.

* * * * *

(z) *Bona fide hedging transactions or positions.* These shall mean sales of, or short positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such sales or short positions are offset in quantity by the ownership or fixed-price purchase of the same cash commodity by the same person or, conversely, purchases of, or long positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such purchases or long positions are offset by fixed-price sales of the same cash commodity by the same person. In addition, there shall be included in the amount of any commodity which may be hedged by any person:

(1) With respect to agricultural commodities, the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months [eighteen months for cane sugar] on land which such person owns or leases;

(2) Any amount of such commodity the sale of which for future delivery would be a reasonable hedge against any product or byproduct of such commodity owned or purchased at a fixed-price by such person or the purchase of which for future delivery would be a reasonable hedge against the fixed-price sale of any product or byproduct of such commodity by such person;

(3) If such commodity is a product or byproduct of another commodity, an amount of such product or byproduct the sale of which for future delivery would be a reasonable hedge against the ownership or fixed-price purchase by such person of such other commodity of which it is a product or byproduct;

(4) An amount of such commodity the purchase of which for future delivery shall not exceed:

(i) Such person's unfilled anticipated requirements for processing or manufacturing;

(ii) The bushel value equivalent of corn reflecting such person's unfilled anticipated requirements for seed corn or sweet corn processing;

(iii) The wheat equivalent of such person's unfilled anticipated requirements of flour for baking;

(iv) The corn equivalent of such person's unfilled anticipated requirements of dry corn milling products for use in further processing or manufacturing;

(v) Such person's unfilled anticipated feeding requirements of corn, wheat, oats, barley, flaxseed, grain sorghum, rye, or soybean meal for the feeding of livestock or poultry or both; during a specified operating period not in excess of one year.

Transactions and positions shall not be classified as hedging unless their bona fide purpose is to offset price risks incidental to commercial cash or spot operations, and such positions are established and liquidated in an orderly manner and in accordance with sound commercial practices in conformity with such regulations as may be prescribed pursuant to the Commodity Exchange Act as amended.

* * * * *

Issued in Washington, D.C. this 15th day of October 1975.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.75-28188 Filed 10-16-75;10:16 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 162]

INSPECTION, SEARCH, AND SEIZURE

Summary Forfeiture Proceedings Where the Value of Seized Property Is Not Over $2500

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 607, 624, 46 Stat. 754, as amended, 759 (19 U.S.C. 1607, 1624), it is proposed to amend § 162.45 (b) of the Customs Regulations (19 CFR 162.45(b)). This section presently requires the district director to advertise in a newspaper of general circulation for at least 3 successive weeks the intention to forfeit and sell or otherwise dispose of according to law, seized property subject to forfeiture which is valued over $250 but not in excess of $2,500, except for narcotics and dangerous drugs. In the case of seized property subject to forfeiture which is valued at $250 or less, or $2,500 or less in the case of narcotics and dangerous drugs, § 162.45(b) provides that notice of intent to forfeit and sell or otherwise dispose of according to law shall be given by posting such a notice in the appropriate customhouse for at least 3 successive weeks. Narcotics and dangerous drugs are now included under the broader term "controlled substances."

The proposed amendment would permit the notice procedure presently used in the case of seized property subject to forfeiture which is valued at $250 or less (or $2,500 or less in the case of narcotics and dangerous drugs) to be used with respect to all prohibited merchandise, including controlled substances (as defined in 21 U.S.C. 802), subject to Customs summary forfeiture proceedings and valued not in excess of $2,500, and all other seized merchandise valued not in excess of $250. This proposed amendment would make applicable to all prohibited merchandise subject to summary forfeiture proceedings the same public notice procedure that presently applies only to one class of prohibited merchandise, narcotics and dangerous drugs, provided such merchandise is not valued in excess of $2,500. The public notice procedure presently applying to seized merchandise other than prohibited merchandise subject to summary forfeiture proceedings would not be changed.

Accordingly, it is proposed to revise § 162.45(b) of the Customs Regulations (19 CFR 162.45(b)) to read as follows:

162.45 Summary forfeiture where value not over $2500: Notice of seizure and sale.

* * * * *

(b) *Publication.* When the appraised value of any property in one seizure from one person other than prohibited articles exceeds $250, the notice shall be published for at least 3 successive weeks in a newspaper of general circulation in the Customs district and judicial district in which the property was seized. In the case of any controlled substance, as defined in 21 U.S.C. 802, all other prohibited articles for which summary forfeiture proceedings may be applied, and any seizure not in excess of $250 appraised value, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the Headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks. However, summary forfeiture procedures shall not apply to obscene or other articles seized under section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), or to other seizures required by law or regulations to be forfeited by means of libel, other judicial process, or proceedings conducted by another Government agency. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than November 17, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-28011 Filed 10-16-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

COMMENCEMENT OF BENEFITS UNDER QUALIFIED TRUSTS

Proposed Rulemaking

Correction

In FR Doc. 75-27006 appearing at page 47138 of the issue for Wednesday, October 8, 1975, the reference in § 1.401(a)-14(c)(1), page 41739, reading "paragraph (b)(2) of this section" should read "paragraph (c)(2) of this section".

[26 CFR Part 1]

INDUSTRIAL DEVELOPMENT BONDS

Public Hearing on Proposed Regulations

Proposed regulations under section 103 of the Internal Revenue Code of 1954, relating to Industrial Development Bonds, appear in the FEDERAL REGISTER for August 20, 1975 (40 FR 36371).

A public hearing on the provisions of such proposed regulations will be held on November 21, 1975, beginning at 10 a.m. e.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 11, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their

availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 14, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on November 20, 1975, by telephoning (Washington, D.C.) 202-964-3935.

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.75-28161 Filed 10-15-75;4:14 pm]

[26 CFR Part 1]

LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 17, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 17, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform in part such regulations to the amendments made to the Internal Revenue Code of 1954 by section 501 of the Tax Reduction Act of 1975 (89 Stat. 47). The notice primarily deals with issues arising under section 501 of the Act on which taxpayers require prompt guidance. Sections 1.613A-2 through 1.613A-4 inclusive have been reserved and will be dealt with in another notice proposing additional rules under section 501 to be published later.

With certain exceptions, the Tax Reduction Act repealed percentage depletion for oil or gas sold on or after January 1, 1975. Depletion is continued for natural gas sold under a fixed price contract in effect February 1, 1975, which does not permit price adjustment to reflect repeal of depletion. Depletion is also continued until July 1, 1976, for gas regulated by the Federal Power Commission if no such price adjustment has been made.

Exemption from the repeal of percentage depletion is provided for certain production of independent producers and royalty owners, sometimes called the small producer exemption. Initially, an exemption of 2,000 barrels of average daily production for oil (or up to 12,000,000 cubic feet for natural gas if the taxpayer so elects) is provided. The amount is reduced by 200 barrels a year for 5 years from 1976 through 1980, when the permanent exemption of 1,000 barrels per day will be reached. The depletion rate for oil and gas covered under this exemption will also be phased down gradually from 22 percent. In 1981, the rate will be 20 percent; in 1982, 18 percent; in 1983, 16 percent; and in 1984 the rate will be reduced to a permanent level of 15 percent. Average daily production includes only actual production and therefore does not take lease bonuses or advanced royalties into account.

The small producer exemption also permits a taxpayer to take percentage depletion at a 22 percent rate on the exempt quantity of secondary or tertiary production until 1984. The proposed regulations define the term "secondary or tertiary production" as the production of crude oil or natural gas from a domestic well at any time after production from the well has been significantly increased by reason of the application of a secondary process. The term "secondary process" is defined by the proposed regulations as a process applied for the recovery of hydrocarbons in which part of the energy employed to move the hydrocarbons is applied by the injection of liquids or gases into the reservoir, except that no process which must be introduced early in the productive life of the mineral property in order to be reasonably effective (such as cycling of gas in the case of a gas-condensate well) is a secondary process.

The new law provides that the deduction resulting from the small producer exemption may not exceed 65 percent of the taxpayer's taxable income from all sources (computed without regard to depletion, net operating loss carrybacks and capital loss carrybacks). The proposed regulations define the amount disallowed by the 65 percent limitation as the excess of the percentage depletion allowable as computed without regard to the 65 percent limitation over the amount of depletion allowed, whether cost depletion or percentage depletion.

The exemption relating to average daily production is not to be available to a transferee of any interest in a proven oil or gas property transferred after December 31, 1974. The proposed regulation defines "transfer" to include any change in legal or equitable ownership by sale, exchange, gift, lease, sublease, assignment, contract, a change in the membership of a partnership or the beneficiaries of a trust, or other disposition. However, the term does not include a transfer by reason of death or certain section 351 transactions. The transfer is deemed to occur on the day on which a binding contract to transfer the property is executed, or, if no such contract is executed, the day on which the document which causes title to pass is executed.

The proposed regulations also provide that a person will not be treated as a transferee (and hence will not be denied depletion) with respect to an oil or gas property to the extent that he was entitled to a depletion allowance on mineral produced with respect to that property immediately before the transfer, as in the case of a partner who transfers a property to his partnership. This rule is applied so as to prevent a transfer under a unitization or pooling agreement from resulting in a loss of percentage depletion.

The proposed regulation defines "interest in an oil or gas property" as an economic interest in oil or gas property, including an interest in a partnership or trust holding an economic interest in oil or gas property, but not including shares of stock in a corporation owning such an interest. The proposed regulations also provide that an oil or gas property is "proven" (*i.e.*, its principal value has been demonstrated by prospecting, exploration, or discovery work) only if the fair market value of the property at the time of the transfer is 50 percent or more of the fair market value of the property (without regard to equipment acquired after the transfer) at the time production commences. Normally, this will occur only where before the transfer oil or gas has been produced in the area of the transferred property and exploration indicates the probability that such property

will have gross income from the same deposit sufficient to justify development of such property.

The new law also provides that the small producer exemption does not apply to a taxpayer who directly or through a related person sells oil or natural gas, or any product derived from oil or natural gas, through a retail outlet or to certain persons. The term "any product derived from oil or natural gas" is defined to exclude products that are only secondarily derived from oil or natural gas. A retail outlet is any place where sales of oil, natural gas, or a product of oil or natural gas, accounting for more than 5 percent of the gross receipts from all sales made at such place during the taxpayer's taxable year, are systematically made to any person or persons for any purpose other than for resale. The term "related person" is defined in the proposed regulations.

The small producer exemption is also not available to any taxpayer who, directly or through a related person, engages in the refining of crude oil and whose refinery runs exceed 50,000 barrels on any day during the taxable year.

Rules regarding the making of elections to apply the exemption for average daily production of oil to such production of gas are provided in the proposed regulations.

Recordkeeping requirements are imposed by the proposed regulations with respect to certain transfers of oil or gas property and in cases where depletion is claimed for secondary or tertiary production.

Proposed amendments to the regulation. In order to conform in part the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue Code of 1954 by section 501 of the Tax Reduction Act of 1975 (89 Stat. 47), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) (2) of § 1.613–2 is amended by revising so much thereof as precedes the example, by redesignating the example as example (1), and by adding a new example (2) immediately thereafter, to read as follows:

§ 1.613–2 Percentage depletion rates.

* * * * *

(c) *Rules for application of paragraph (a) of this section.* * * *

(2) In cases in which there are produced from a mineral property two or more minerals, each entitled to a different percentage depletion rate under section 613(b) and this section or any of which is entitled to cost depletion only, the percentage depletion allowance is the sum of the results obtained by applying the percentage applicable to each mineral (zero, if not entitled to percentage depletion) to the "gross income from the property" attributable to such mineral. The sum so computed is subject to the limitation provided in section 613(a) and § 1.613–1, that is, 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income (computed in accordance with § 1.613–4) is the total taxable income resulting from the sale of all minerals produced from the mineral property (as defined in section 614 and the regulations thereunder). The provisions of this subparagraph may be illustrated by the following examples:

* * * * *

Example (2). Oil and gas are produced from a single mineral property of a taxpayer who operates a retail outlet for the sale of oil products within the meaning of section 613A(d)(2). The taxpayer is not entitled to percentage depletion on the gross income attributable to the oil, but is entitled to percentage depletion on the gross income attributable to gas which is regulated gas under section 613A(b)(2)(B). Accordingly, the taxpayer's maximum allowable percentage depletion deduction would be zero percent of gross income from the property with respect to oil, plus 22 percent (see section 613A(b)(1)) of gross income from the property with respect to gas. This maximum deduction would be subject to the limitation provided for in section 613(a), *i.e.*, 50 percent of "taxable income from the property (computed without allowance for depletion)," such taxable income being the overall taxable income resulting from the sale of both oil and gas. However, in the case of oil or gas production which qualifies for percentage depletion under section 613A(c), see the special allocation rules contained in section 613 A(c)(7) (C) and (E) and § 1.613A–4.

* * * * *

PAR. 2. There are inserted immediately after § 1.613–7 the following new sections:

§ 1.613A Statutory provisions; limitations on percentage depletion in case of oil and gas wells.

SEC. 613A. *Limitations on percentage depletion in case of oil and gas wells*—(a) *General rule.* Except as otherwise provided in this section, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without regard to section 613.

(b) *Exemption for certain domestic gas wells*—(1) *In general.* The allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(A) Regulated natural gas,

(B) Natural gas sold under a fixed contract, and

(C) Any geothermal deposit in the United States or in a possession of the United States which is determined to be a gas well within the meaning of section 613 (b) (1) (A) [as in effect before enactment of the Tax Reduction Act of 1975], and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(2) *Definitions.* For purposes of this subsection—

(A) *Natural gas sold under a fixed contract.* The term "natural gas sold under a fixed contract" means domestic natural gas sold by the producer under a contract, in effect on February 1, 1975, and at all times thereafter before such sale, under which the price for such gas cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence.

(B) *Regulated natural gas.* The term "regulated natural gas" means domestic natural gas produced and sold by the producer, before July 1, 1976, subject to the jurisdiction of the Federal Power Commission, the price for which has not been adjusted to reflect to any extent the increase in liability of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates the contrary by clear and convincing evidence.

(c) *Exemption for independent producers and royalty owners*—(1) *In general.* Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(A) So much of the taxpayer's average daily production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity; and

(B) So much of the taxpayer's average daily production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity;

and the applicable percentage (determined in accordance with the table contained in paragraph (5)) shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(2) *Average daily production.* For purposes of paragraph (1)—

(A) The taxpayer's average daily production of domestic crude oil or natural gas for any taxable year, shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as the case may be, during the taxable year by the number of days in such taxable year, and

(B) In the case of a taxpayer holding a partial interest in the production from any property (including an interest held in a partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

In applying this paragraph, there shall not be taken into account any production of crude oil or natural gas resulting from secondary or tertiary processes (as defined in regulations prescribed by the Secretary or his delegate).

(3) *Depletable oil quantity*—(A) *In general.* For purposes of paragraph (1), the taxpayer's depletable oil quantity shall be equal to—

(i) The tentative quantity determined under the table contained in subparagraph (B), reduced (but not below zero) by

(ii) The taxpayer's average daily secondary or tertiary production for the taxable year.

(B) *Phase-out table.* For purposes of subparagraph (A)—

In the case of production during the calendar year:	*The tentative quantity in barrels is:*
1975	2,000
1976	1,800
1977	1,600
1978	1,400
1979	1,200
1980 and thereafter	1,000

(4) *Daily depletable natural gas quantity.* For purposes of paragraph (1), the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multipled by the number of barrels of the taxpayer's depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayer's depletable oil quantity for any taxable year shall be reduced by the number of barrels with respect to which an election under this paragraph applies. Such election shall be made at such time and in

such manner as the Secretary or his delegate shall by regulations prescribe.

(5) *Applicable percentage.* For purposes of paragraph (1)—

In the case of production during the calendar year:	The applicable percentage is
1975	22
1976	22
1977	22
1978	22
1979	22
1980	22
1981	20
1982	18
1983	16
1984 and thereafter	15

(6) *Oil and natural gas resulting from secondary or tertiary processes*—(A) *In general.* Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(i) So much of the taxpayers average daily secondary or tertiary production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity (determined with [sic] regard to paragraph (3)(A)(ii); and

(ii) So much of the taxpayer's average daily secondary or tertiary production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity (determined without regard to paragraph (3)(A)(ii));

and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(B) *Average daily secondary or tertiary production.* For purposes of this subsection—

(i) The taxpayer's average daily secondary or tertiary production of domestic crude oil or natural gas for any taxable year shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as the case may be, resulting from secondary or tertiary processes during the taxable year by the number of days in such taxable year, and

(ii) In the case of a taxpayer holding a partial interest in the production from any property (including any interest held in any partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

(C) *Termination.* This paragraph shall not apply after December 31, 1983.

(7) *Special rules*—(A) *Production of crude oil in excess of depletable oil quantity.* If the taxpayer's average daily production of domestic crude oil exceeds his depletable oil quantity, the allowance under paragraph (1)(A) with respect to oil produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayer's oil produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as his depletable oil quantity bears to the aggregate number of barrels representing the average daily production of domestic crude oil of the taxpayer for such year.

(B) *Production of natural gas in excess of depletable natural gas quantity.* If the taxpayer's average daily production of domestic natural gas exceeds his depletable natural gas quantity, the allowance under paragraph (1)(B) with respect to natural gas produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayers [sic] natural gas produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as the amount of his depletable natural gas quantity in cubic feet bears to the aggregate number of cubic feet representing the average daily production of domestic natural gas of the taxpayer for such year.

(C) *Taxable income from the property.* If both oil and gas are produced from the property during the taxable year, for purposes of subparagraphs (A) and (B) the taxable income from the property, in applying the 50-percent limitation in section 613(a), shall be allocated between the oil production and the gas production in proportion to the gross income during the taxable year from each.

(D) *Partnerships.* In the case of a partnership, the depletion allowance in the case of oil and gas wells to which this subsection applies shall be computed separately by the partners and not by the partnership.

(E) *Secondary or tertiary production.* If the taxpayer has production from secondary or tertiary recovery processes during the taxable year, this paragraph (under regulations prescribed by the Secretary or his delegate) shall be applied separately with respect to such production.

(8) *Businesses under common control; members of the same family*—(A) *Component members of controlled group treated as one taxpayer.* For purposes of this subsection, persons who are members of the same controlled group of corporations shall be treated as one taxpayer.

(B) *Aggregation of business entities under common control.* If 50 percent or more of the beneficial interest in two or more corporations, trusts, or estates is owned by the same or related persons (taking into account only persons who own at least 5 percent of such beneficial interest), the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among all such entities in proportion to the respective production of domestic crude oil during the period in question by such entities.

(C) *Allocation among members of the same family.* In the case of individuals who are members of the same family, the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among such individuals in proportion to the respective production of domestic crude oil during the period in question by such individuals.

(D) *Definition and special rules.* For purposes of this paragraph—

(i) The term "controlled group of corporations" has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a),

(ii) A person is a related person to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), except that for this purpose the family of an individual includes only his spouse and minor children,

(iii) The family of an individual includes only his spouse and minor children, and

(iv) Each 6,000 cubic feet of domestic natural gas shall be treated as 1 barrel of domestic crude oil.

(9) *Transfer of oil or gas property.* (A) In the case of a transfer (including the subleasing of a lease) after December 31, 1974 of an interest (including an interest in a partnership or trust) in any proven oil or gas property, paragraph (1) shall not apply to the transferee (or sublessee) with respect to production of crude oil or natural gas attributable to such interest, and such production shall not be taken into account for any computation by the transferee (or sublessee) under this subsection. A property shall be treated as a proven oil or gas property if at the time of the transfer the principal value of the property has been demonstrated by prospecting or exploration or discovery work.

(B) Subparagraph (A) shall not apply in the case of—

(i) A transfer of property at death, or

(ii) The transfer in an exchange to which section 351 applies if following the exchange the tentative quantity determined under the table contained in paragraph (3)(B) is allocated under paragraph (8) between the transferor and transferee.

(10) *Special rule for fiscal year taxpayers.* In applying this subsection to a taxable year which is not a calendar year, each portion of such taxable year which occurs during a single calendar year shall be treated as if it were a short taxable year.

(11) *Certain production not taken into account.* In applying this subsection, there shall not be taken into account the production of natural gas with respect to which subsection (b) applies.

(d) *Limitations on application of subsection (c)*—(1) *Limitation based on taxable income.* The deduction for the taxable year attributable to the application of subsection (c) shall not exceed 65 percent of the taxpayer's taxable income for the year computed without regard to—

(A) Depletion with respect to production of oil and gas subject to the provisions of subsection (c),

(B) Any net operating loss carryback to the taxable year under section 172, and

(C) Any capital loss carryback to the taxable year under section 1212.

If an amount is disallowed as a deduction for the taxable year by reason of application of the preceding sentence, the disallowed amount shall be treated as an amount allowable as a deduction under subsection (c) for the following taxable year, subject to the application of the preceding sentence to such taxable year. For purposes of basis adjustments and determining whether cost depletion exceeds percentage depletion with respect to the production from a property, any amount disallowed as a deduction on the application of this paragraph shall be allocated to the respective properties from which the oil or gas was produced in proportion to the percentage depletion otherwise allowable to such properties under subsection (c).

(2) *Retailers excluded.* Subsection (c) shall not apply in the case of any taxpayer who directly, or through a related person, sells oil or natural gas, or any product derived from oil or natural gas—

(A) Through any retail outlet operated by the taxpayer or a related person, or

(B) To any person—

(i) Obligated under an agreement or contract with the taxpayer or a related person to use a trademark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

(ii) Given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or a related person.

(3) *Related person.* For purposes of this subsection, a person is a related person with

respect to the taxpayer if a significant ownership interest in either the taxpayer or such person is held by the other, or if a third person has a significant ownership interest in both the taxpayer and such person. For purposes of the preceding sentence, the term "significant ownership interest" means—

(A) With respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

(B) With respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

(C) With respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.

(4) *Certain refiners excluded.* If the taxpayer or a related person engages in the refining of crude oil, subsection (c) shall not apply to such taxpayer if on any day during the taxable year the refinery runs of the taxpayer and such person exceed 50,000 barrels.

(e) *Definitions.* For purposes of this section—

(1) *Crude oil.* The term "crude oil" includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

(2) *Natural gas.* The term "natural gas" means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under section 611 with respect to such product.

(3) *Domestic.* The term "domestic" refers to production from an oil or gas well located in the United States or in a possession of the United States.

(4) *Barrel.* The term "barrel" means 42 United States gallons.

(Sec. 613A as added by sec. 501(a), Tax Reduction Act 1975 (89 Stat. 47))

§ 1.613A–1 Post-1974 limitations on percentage depletion in case of oil and gas wells; general rule.

Except as otherwise provided in section 613A and the regulations thereunder, in the case of oil or gas which is first sold, converted, or transported after December 31, 1974, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without regard to section 613. In the case of a taxable year beginning before January 1, 1975, and ending after that date, the percentage depletion allowance (but not the cost depletion allowance) with respect to oil and gas wells for such taxable year shall be determined by treating the portion thereof in 1974 as if it were a short taxable year for purposes of section 613 and the portion thereof in 1975 as if it were a short taxable year for purposes of section 613A.

§ 1.613A–2 Exemption for certain domestic gas wells. [Reserved]

§ 1.613A–3 Exemption for independent producers and royalty owners. [Reserved]

§ 1.613A–4 Limitations on application of § 1.613A–3 exemption. [Reserved]

§ 1.613A–5 Election under section 613A(c)(4).

The election under section 613A(c)(4) is an annual election which shall be made by filing a statement with the district director or the director of the internal revenue service center with whom the income tax return is filed for the taxable year to which the election is applicable. The statement of election shall be so filed not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for such taxable year. The statement shall specify the number of barrels of the taxpayer's depletable oil quantity which the taxpayer elects to treat as depletable natural gas quantity for the taxable year.

§ 1.613A–6 Recordkeeping requirements.

(a) *Principal value of property demonstrated.* In the case of a transfer (as defined in § 1.613A–7(n)) after December 31, 1974, of an interest in an oil or gas property (as defined in § 1.613A–7(p)), the transferee shall keep records showing the terms of the transfer, any geological and geophysical data or other exploratory data with respect to the property transferred, and any other information which bears upon the question of whether at the time of the transfer the principal value of the property transferred had been demonstrated by prospecting, exploration, and discovery work.

(b) *Production from secondary or tertiary processes.* Every taxpayer who claims depletion with respect to oil or gas produced by secondary or tertiary processes (as defined in § 1.613A–7(k)) shall keep records of the secondary and tertiary processes applied and maintain records of the amount of production so resulting.

§ 1.613A–7 Definitions.

For purposes of section 613A and the regulations thereunder—

(a) *Domestic.* The term "domestic" refers to production from an oil or gas well located in the United States or in a possession of the United States.

(b) *Natural gas.* The term "natural gas" means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under section 611 with respect to such product.

(c) *Regulated natural gas.* Natural gas is considered to be "regulated" only if all of the following requirements are met:

(1) The gas must be domestic gas produced and sold by the producer (whether for himself or on behalf of another person) before July 1, 1976,

(2) The price for which the gas is sold by the producer must not be adjusted to reflect to any extent the increase in liability of the seller for tax under chapter 1 of the Code by reason of the repeal of percentage depletion for gas,

(3) The sale of the gas must be subject to the jurisdiction of the Federal Power Commission for regulatory purposes,

(4) An order or certificate of the Federal Power Commission must be in effect (or a proceeding to obtain such an order or certificate must have been instituted), and

(5) The price at which such gas is sold must be taken into account, directly or indirectly, in the issuance of the order or certificate by the Federal Power Commission.

Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence that the increases are wholly attributable to a purpose or purposes unrelated to the repeal of percentage depletion for gas, such as increases to reflect additional State and local real property or severance taxes, increases for additional operating costs (such as costs of secondary or tertiary processes), increases up to the highest area rate fixed by the Federal Power Commission for interstate sales, or increases to reflect changes in the quality of gas sold. In the absence of a statement in writing by the Federal Power Commission that the price of the gas in question was not in fact regulated, the requirement of subparagraph (5) of this paragraph is deemed to have been met in any case in which the Federal Power Commission issues an order or certificate approving the sale to an interstate pipeline company or, in a case in which it is established by the taxpayer that the Federal Power Commission has influenced the price of such gas, an order or certificate permitting the interstate transportation of such gas. In addition, an "emergency" sale of natural gas to an interstate pipeline, which, pursuant to the authority contained in 18 CFR 2.68, 2.70, 1.5722, and 1.5729, may be made (for a period not to exceed 60 days) without prior order approving the sale, is deemed to have met the requirements of subparagraphs (3), (4), and (5) of this paragraph. For purposes of meeting the requirements under this paragraph, it is not necessary that the total gas production from a property qualify as "regulated natural gas"; the determination of whether mineral production is "regulated natural gas" shall be made with respect to each sale of the mineral or minerals produced.

(d) *Natural gas sold under a fixed contract.* The term "natural gas sold under a fixed contract" means domestic natural gas sold by the producer (whether for himself or on behalf of another person) under a contract, in effect on February 1, 1975, and at all times thereafter before such sale, under which the price for such gas during such period cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under chapter 1 of the Code by reason of the repeal of percentage depletion for gas. The term may include gas which is also regulated natural gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence. See paragraph (c) of this section for examples of increases which do not take increases in tax liabilities into account. An additional example would be increases of a fixed percentage or fixed dollar amount pursuant to escalation clauses designed merely to reflect projected effects or inflation. For purposes of meeting the requirements of this paragraph, it is not necessary that the total gas production from a

property qualify as "natural gas sold under a fixed contract", for the determination of "natural gas sold under a fixed contract" is to be made with respect to each type of natural gas sold pursuant to each contract.

(e) *Geothermal deposit.* The term "geothermal deposit" means a geothermal reservoir consisting of heat, largely stored in rocks, and, to a lesser extent, in aqueous fluid in the form of liquid or vapor.

(f) *Average daily production.* (1) The term "average daily production" means the taxpayer's aggregate production of domestic crude oil or natural gas, as the case may be, during the taxable year divided by the number of days in such year. Notwithstanding the provisions of § 1.612–3, in computing the average daily production only actual production of crude oil or gas shall be taken into account. For example, advanced royalties (with respect to which there is no actual production during the taxable year) and lease bonuses, while taken into account for purposes of sections 61 and 612 (relating to the definition of gross income and to cost depletion, respectively), would not be taken into account in computing the percentage depletion allowance under section 613A(c). Average daily production does not include production resulting from secondary or tertiary processes.

(2) In the case of a fiscal-year taxpayer, subparagraph (1) of this paragraph shall be applied separately to each short taxable year under section 613A(c)(10).

(3) In the case of a taxpayer holding a partial interest in the production from any property (including an interest of a partner in property of his partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

(g) *Crude Oil.* The term "crude oil" means—

(1) A mixture of hydrocarbons which existed in the liquid phase in natural underground reservoirs and which remains liquid at atmospheric pressure after passing through surface separating facilities (and which may include amounts of nonhydrocarbons produced with the mixture),

(2) Hydrocarbons which existed in the gaseous phase in natural underground reservoirs but which are liquid at atmospheric pressure after being recovered from oil well (casinghead) gas in lease separators (and which may include small amounts of nonhydrocarbons produced with the hydrocarbons), and

(3) Natural gas liquid recovered from gas well effluent in lease separators or field facilities before any conversion process has been applied to such production.

(h) *Depletable oil quantity.* The taxpayer's depletable oil quantity shall be equal to—

(1) The tentative quantity determined under the table contained in section 613A(c)(3)(ii), reduced (but not below zero) by

(2) The taxpayer's average daily secondary or tertiary production for the taxable year.

(i) *Depletable natural gas quantity.* For purposes of section 613A(c)(1), the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multiplied by the number of barrels of the taxpayer's depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayer's depletable oil quantity for any calendar year shall be reduced by the number of barrels with respect to which an election under section 613A(c)(4) has been made. See § 1.613A–5.

(j) *Barrel.* The term "barrel" means 42 United States gallons.

(k) *Secondary or tertiary production.* The term "secondary or tertiary production" means the production of crude oil or natural gas from a domestic well at any time after production from such well has been significantly increased by reason of the application of a secondary process. A secondary process is a process applied for the recovery of hydrocarbons in which part of the energy employed to move the hydrocarbons through the reservoir is applied by the injection of liquids or gases into the reservoir, except that no process which must be introduced early in the productive life of the mineral property in order to be reasonably effective (such as cycling of gas in the case of a gas-condensate well) is a secondary process.

(l) *Controlled group of corporations.* The term "controlled group of corporations" has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a).

(m) *Related person.* (1) For purposes of section 613A(c)(8) and § 1.613A–3, a person is a "related person" to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b) except that for this purpose the family of an individual includes only his spouse and minor children.

(2) For purposes of subsection 613A(d)(2) and (4), § 1.613A–4, and paragraphs (r) and (s) of this section, a person is a "related person" to another person if a significant ownership interest in either such person is held by the other or if a third person has a significant ownership interest in both such persons. For these purposes, any reference to such a related person shall also include a person controlled by him. A person is controlled by a related person if the former person is a corporation more than 50 percent of the voting shares of which are owned by the related person, a partnership more than 50 percent of the capital interest or the profits interest of which is owned by the related person, a trust or estate of which the related person is a fiduciary, or a spouse or minor child of the related person. The term "significant ownership" means—

(i) With respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

(ii) With respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

(iii) With respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.

(n) *Transfer.* The term "transfer" means any change in legal or equitable ownership by sale, exchange, gift, lease, sublease, assignment, contract, a change in the membership of a partnership or the beneficiaries of a trust, or other disposition (including any contribution to or any distribution by a corporation, partnership, or trust). However, the term does not include a transfer of property at death (including a distribution by an estate) nor an exchange to which section 351 applies (until the tentative quantity determined under the table contained in section 613A(c)(3)(ii) ceases to be allocated under section 613A(c)(8) between the transferor and transferee). A transfer is deemed to occur on the day on which a binding contract to transfer such property is executed, or, if no such contract is executed, on the day on which the document which causes title to the property to pass is executed.

(o) *Transferee.* For purpose of section 613(c)(9)(A) and § 1.613A–4, the term "transferee" includes the original transferee and his successors in interest. A person shall not be treated as a transferee of an interest in a proven oil or gas property to the extent that such person was entitled to a depletion allowance on mineral produced with respect to such property immediately before the transfer. For example, where the owner of a proven oil property transfers his entire interest therein to a partnership of which he is a member and, as a consequence, becomes entitled to a depletion allowance based on only one-third of the oil produced with respect to that property, he (the transferor) is not denied percentage depletion with respect to the one-third interest in oil production which he still possesses. However, if the partnership agreement had made an effective allocation (under section 704 and § 1.704–1) of all the income in respect of such property to the transferor partner, he would be entitled to percentage depletion on the entire oil production from that property. For this purpose, a person who has transferred property pursuant to a unitization or pooling agreement shall be treated as having been entitled to a depletion allowance immediately before the transfer with respect to all of the mineral in respect of which he receives gross income from the property pursuant to the unitization or pooling agreement.

(p) *Interest in proven oil or gas property.* The term "interest in an oil or gas property" means an economic interest in oil or gas property, including working or operating interests, royalties, overriding

royalties, net profits interests, and to the extent not treated as loans under section 636, production payments in oil or gas properties. The term also includes an interest in a partnership or trust holding an economic interest in oil or gas property but does not include shares of stock in a corporation owning such an interest. An oil or gas property is "proven" if its principal value has been demonstrated by prospecting, exploration, or discovery work. The principal value of the property has been demonstrated by prospecting, exploration, or discovery work only if the fair market value of the property at the time of the transfer is 50 percent or more of the fair market value of the property (without regard to equipment acquired after the transfer) at the time production commences. Normally this will occur only where before the time of transfer—

(1) Any oil or gas has been produced from a deposit, whether or not produced by the taxpayer or from the property transferred; and

(2) Prospecting, exploration, or discovery work indicate that it is probable that the property transferred will have gross income from oil or gas from such deposit sufficient to justify development of the property.

For purposes of this paragraph, each deposit is a separate property or properties unless there is in effect at the time of the transfer an aggregation or combination which includes the taxpayer's interest therein. See section 614 and the regulations thereunder. The term "prospecting, exploration, or discovery work" includes activities which produce information relating to the existence, location, extent, or quality of any deposit of oil or gas, such as seismograph surveys and the drilling of wells (whether for exploration or for the production of oil or gas).

(q) *Amount disallowed.* The amount disallowed, within the meaning of section 613A(d)(1), is the excess of the percentage depletion allowable as computed without regard to section 613A(d)(1), over the amount of depletion allowed, whether cost depletion or percentage depletion. Such disallowed amount shall be carried over to the succeeding year and treated as an amount allowable as a deduction under section 613A(c) for such succeeding year, subject to the 65-percent limitation of section 613A(d)(1).

(r) *Retailer.* The term "retailer" means any taxpayer who directly, or through a related person (as defined in paragraph (m)(2) of this section), sells oil or natural gas, or any product derived from oil or natural gas—

(1) Through any retail outlet operated by the taxpayer or a related person,

(2) To any person—

(i) Obligated under an agreement or contract with the taxpayer or a related person to use a trade mark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

(ii) Given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or a related person.

The term "any product derived from oil or natural gas" means gasoline, kerosene, distillates (including Number 2 fuel oil), refined lubricating oils, diesel fuel, methane, butane, propane, and similar products which are recovered from petroleum refineries or field facilities. A retail outlet is any place where sales of oil, natural gas, or a product of oil or natural gas, accounting for more than 5 percent of the gross receipts from all sales made at such place during the taxpayer's taxable year, are systematically made to any person or persons for any purpose other than for resale. For purposes of the preceding sentence, bulk sales of oil or natural gas (or a product derived therefrom) to industrial or commercial users shall be disregarded if in the aggregate such sales account for less than 25 percent of the taxpayer's gross receipts derived from all sales of such items for the taxable year. For purposes of this paragraph, a taxpayer shall be deemed to be selling oil or natural gas (or a product derived therefrom) through a related person in any case in which any sale of oil or natural gas (or a derivative product) by the related person produces income from which the taxpayer may benefit by reason of his direct or indirect ownership interest in the related person. In such cases (and in any case in which the taxpayer is himself operating a retail outlet referred to in section 613A(d)(2)(A) or is directly selling such items to a person described in section 613A(d)(2)(B)), it is immaterial whether the oil or natural gas which is sold, or from which is derived a product which is sold, was produced by the taxpayer. Of course, a taxpayer shall be deemed to be selling oil or natural gas (or a derivative product) through a related person in any case in which the related person acquires for resale oil or natural gas (or a derivative product) which the taxpayer produced or caused to be made available for acquisition by the related person.

An owner of a nonoperating mineral interest (such as a royalty) shall not be treated as an operator of a retail outlet merely because his oil or gas is sold on his behalf through a retail outlet operated by an unrelated person. In addition, the mere fact that a member of a partnership is a retailer shall not result in characterization of the remaining partners as retailers; however, if the partnership itself is a retailer its partners having a 5 percent or more interest in the partnership's profits or capital are treated as retailers. A person who is a retailer during a portion of the taxable year shall be treated as a retailer with respect to a fraction of his gross and taxable income from his oil or gas properties for the taxable year, the numerator of which is the number of days during the taxable year in which the taxpayer was a retailer and the denominator of which is the total number of days during the taxable year; except that a person who ceases to be a retailer during the taxable year before his first production of oil or gas during such year shall not be treated as a retailer for any portion of such year.

(s) *Refiner.* The term "refiner" means any taxpayer who, directly or through a related person (as defined in paragraph (m)(2) of this section), engages in the refining of crude oil and whose refinery runs exceed 50,000 barrels on any day during the taxable year. Refining is any operation by which the physical or chemical characteristics of crude oil or crude oil products are changed, exclusive of such operations as passing crude oil through separators to remove gas, placing crude oil in settling tanks to recover basic sediment and water, and dehydrating crude oil.

[FR Doc.75-28042 Filed 10-14-75;4:12 pm]

[26 CFR Part 53]

EXEMPTION FROM VARIOUS EXCISE TAXES FOR THE UNITED STATES

Withdrawal of Notice of Proposed Rule Making

The purpose of this document is to withdraw regulations proposed to be prescribed under section 4293 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the Federal Register on October 1, 1970 (35 FR 15302).

Section 4293 of the Code allows the Secretary of the Treasury to authorize exemption from certain excise taxes as to any article or service to be purchased for the exclusive use of the United States if he determines that the imposition of such taxes will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption will accrue to the United States. The proposed addition to the regulations would have made it clear that the exemption would apply only to articles or services purchased directly by the United States where the burden or expense to be avoided was administrative in nature and continuous transactions were involved.

The proposed regulations are being withdrawn because of the small number of requests for exemption received in past years.

The regulations proposed to be prescribed under section 4293 of the Internal Revenue Code of 1954, relating to exemption for the United States from excise taxes imposed by chapter 31 (retailers excise taxes), 32 (manufacturers excise taxes), and subchapter B (communications) of chapter 33 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the Federal Register on October 1, 1970 (35 FR 15302) are hereby withdrawn.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-28043 Filed 10-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 78]

SWINE BRUCELLOSIS REGULATIONS

Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 123, 125, 134b, 134f), the Animal and Plant Health Inspection Service is considering amending Part 78, Title 9, Code of Federal Regulations, concerning brucellosis in swine.

Statement of considerations. Considerable progress has been made in the control and eradication of swine brucellosis in the United States in recent years. Twelve (12) States have been declared validated swine brucellosis free. Several other States are now working toward that goal. However, since swine brucellosis still exists in many areas of the United States there is an urgent need for: (1) a means to prevent the spread of brucellosis through interstate movement of infected and exposed swine and, (2) a system through which swine may be tested for brucellosis at the time of slaughter and reactors traced to their herds of origin. The purpose of this proposal is to provide for both of these needs.

To satisfy the first need, it is proposed to require that all swine six months of age and over moving interstate for breeding purposes, except swine from Validated Brucellosis-Free Herds and Validated Brucellosis-Free Areas, be tested for brucellosis and found negative within 30 days prior to interstate movement; and to require that brucellosis reactors and exposed swine moving interstate be identified as such and be so moved only for immediate slaughter, or sale for slaughter.

To satisfy the second need, it is proposed to require that all sows and boars over six months of age being moved interstate for slaughter be tattooed, or identified in an approved manner, so that those which are found to be reactors at the time of slaughter may be traced to their herds of origin. This will make it possible to quickly locate diseased herds, and take appropriate steps to eliminate the disease in the herd of origin and prevent disease spread therefrom.

Definitions for Validated Brucellosis-Free Herd, Validated Brucellosis-Free Area, Herd of origin, Breeding Swine, Sow, Boar, Brucellosis Reactor Swine, Brucellosis Exposed Swine, Permit, Owner's Statement, and Other Document are provided as a means of clarifying the intent of the regulations.

To date, the swine brucellosis eradication program has been conducted in the various States through cooperative efforts between industry and related groups, and State and Federal animal health agencies. While considerable progress has been made, uniform guidelines and interstate requirements as proposed are now needed to achieve final eradication of swine brucellosis with minimum delay. Presently, 44 States require identification and testing of swine imported into those States for breeding purposes; and 36 States require identification for intrastate movement within their borders.

The proposed amendments would:

1. In § 78.30, provide for definition of terms used in Subpart E.

2. In § 78.31, provide for general restrictions on the interstate movement of swine, except in compliance with the regulations in the new proposed Subpart E.

3. In § 78.32, provide for the interstate movement of brucellosis reactor swine to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, or to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale to such a slaughtering establishment. The reactor swine must be: (1) identified with a reactor tag on the left ear, (2) accompanied to destination by a permit, and (3) kept separate from other animals by a partition unless all the animals in the shipment are being moved interstate for immediate slaughter.

4. In § 78.33, provide for the interstate movement of brucellosis exposed swine to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, or to a specifically approved slaughtering establishment or a specifically approved stockyard for sale to such a slaughtering establishment only when accompanied by a permit.

5. In § 78.34, provide for a negative brucellosis test within 30 days prior to the movement of breeding swine six months of age or over from nonvalidated herds in nonvalidated areas that moved interstate for other than slaughter purposes.

6. In § 78.35(a), provide that all sows and boars moved interstate for slaughter or for sale for slaughter be identified to the herd of origin by a tattoo code prior to such interstate movement. However, such swine may be moved interstate without such prior identification provided that they are identified upon arrival at a slaughtering establishment or a posted stockyard or market agency or dealer registered under the Packers and Stockyards Act before being mixed with swine from other sources.

7. In § 78.35(b), provide that all breeding swine six months of age or over moved interstate for other than slaughter be identified to the herd of origin by an eartag prior to interstate movement and accompanied by an owner's statement or other document. Registered swine may be identified in the same manner as recorded with the particular registry association in lieu of the approved eartag.

8. In § 78.35(c), provide that each person who causes the movement of swine interstate is responsible for the proper identification of the swine. No unauthorized person shall tamper with or remove such tattoo or eartag.

9. In § 78.35(d), provide for the Deputy Administrator to approve other identification systems in specific cases, if he determines that such system would allow for traceback of swine to their herd of origin.

Accordingly, Part 78, Title 9, Code of Federal Regulations, would be amended as follows:

PART 78—BRUCELLOSIS

A new Subpart E would be added to read:

Subpart E—Restrictions on Interstate Movement of Swine Because of Brucellosis

Sec.

78.25—78.29 [Reserved].
78.30 Definitions.
78.31 General restrictions.
78.32 Brucellosis reactor swine.
78.33 Brucellosis exposed swine.
78.34 Brucellosis testing of breeding swine.
78.35 Identification of sows and boars.

Subpart E—Restrictions on Interstate Movement of Swine Because of Brucellosis

§§ 78.25–78.29 [Reserved]

§ 78.30 Definitions.

For the purposes of this part, the following terms shall be construed respectively to mean:

(a) *Validated Brucellosis-Free Herd.* A herd of swine which has achieved and maintains status as a Validated Brucellosis-Free Herd according to the provisions of the Uniform Methods and Rules, Chapter II, Parts I, II, III, and IV.

(b) *Validated Brucellosis-Free Area.* A State, or a political subdivision of a State, or a portion thereof, which has achieved and maintains status as a Validated Brucellosis-Free Area according to the provisions of the Uniform Methods and Rules, Chapter II, Parts I, II, III, and V, *Provided*, That such Validated Brucellosis-Free Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator.

(c) *Herd of origin.* Any herd in which swine are farrowed and raised or in which such swine were maintained for a period of 30 days immediately prior to shipment interstate.

(d) *Breeding swine.* Any swine 6 months of age or over which are maintained for breeding purposes as a part of a formal breeding program.

(e) *Sow.* A female swine which has given birth to one or more litters of pigs or which is parturient.

(f) *Boar.* An uncastrated male swine which has reached a stage of maturity rendering him capable of being used as a breeding animal including those which through age or infirmity are no longer capable of such use.

(g) *Brucellosis reactor swine.* Any swine which has reacted to an official test for brucellosis as defined in the Uniform Methods and Rules, Chapter II, Part I–A and Part II–G.

(h) *Brucellosis exposed swine.* Any swine as defined in the Uniform Methods and Rules, Chapter II, Part I–H.

(i) *Permit.* An official document issued for the movement of swine under this part by a Veterinary Services representative, State representative, or an accredited veterinarian which lists the identification tag, tattoo, or registration number or similar identification of each animal so moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor and the consignee. In the case of any swine that is a brucellosis reactor, the document shall show the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis.

(j) *Owner's statement.* A statement signed by the owner or shipper of the swine stating: (1) the point from which the swine are moved interstate; (2) the destination of the swine; (3) the number of swine covered by the statement; and (4) the name and address of the owner or shipper.

(k) *Other document.* Other document means a shipping permit, an official health certificate, a bill of lading, a waybill, or an invoice on which is listed the information required on an owner's statement as defined in § 78.30(j).

§ 78.31 General restrictions.[4]

Swine may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.32 Brucellosis reactor swine.

Brucellosis reactor swine may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or directly to a specifically approved slaughtering establishment, or directly to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor swine.* Brucellosis reactor swine shall be identified by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor" or a similar State reactor tag.

(b) *Permit required.* Brucellosis reactor swine shall be accompanied to destination by a permit for movement of the animals in accordance with the provisions of § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor swine in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document, which it prepares in connection with such movement, the words "Brucellosis Reactor Swine."

[4] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

(d) *Segregation of brucellosis reactor swine en route interstate.* Brucellosis reactor swine shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance, containing nonreactor animals susceptible to brucellosis, unless all of the animals in the shipment are for immediate slaughter, or unless the reactor swine are kept separate from all other animals by a partition securely affixed to the sides of the means of conveyance.

§ 78.33 Brucellosis exposed swine.

Brucellosis exposed swine may be moved interstate for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or directly to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such swine are accompanied by a permit as defined in § 78.30(i).

§ 78.34 Brucellosis testing of breeding swine.

Breeding swine from nonvalidated herds in nonvalidated areas may be moved interstate for other than slaughter purposes if they have been tested negative for brucellosis within 30 days prior to interstate movement in accordance with the Uniform Methods and Rules, Chapter II, Part I–C and Part II–G and are accompanied by a certificate.

§ 78.35 Identification of sows and boars.

(a) *Sows and boars sold for slaughter or for sale for slaughter.* To provide for traceback to their herd of origin, all sows and boars moved interstate for slaughter or for sale for slaughter shall be individually identified to the herd of origin by a Veterinary Services-approved tattoo code applied[5] to the shoulder area of each swine prior to such interstate movement and before they are mixed with swine from any other source. However, such swine may be moved interstate, without such prior identification, directly from a herd of origin to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or a State inspected slaughtering establishment, or to a stockyard posted under the provisions of the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or a market agency or dealer registered under said Packers and Stockyards Act, if such swine are individually identified to the herd of origin by a Veterinary Services-approved tattoo code applied[5] to the shoulder area of each swine upon arrival thereat and before they are mixed with swine from any other source.[6]

[5] Veterinary Services-approved tattoo codes will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his principal place of business.

(b) *Breeding swine.* To provide for traceback of swine to their herd of origin: All breeding swine moved interstate for any purpose shall be individually identified to the herd of origin by a Veterinary Services-approved eartag,[7] prior to such interstate movement and before they are mixed with swine from any other source, and such swine shall be accompanied by an owner's statement or other document as defined in § 78.30(j) or (k) and which shall be delivered by the carrier to the consignee.[8] Further, registered swine may be identified in the same manner as recorded with the particular registry association in lieu of the approved eartag.

(c) Each person who causes the movement of the swine interstate is responsible for the identification of the animals as required by this section. No such person shall remove or tamper with or cause the removal of or tampering with an identification tattoo or eartag required in this section for interstate movement of swine, except at the time of slaughter, or as may be authorized by the Administrator, Veterinary Services, upon request in specific cases and under such conditions as he may impose to insure continuing identification.

(d) The Deputy Administrator, Veterinary Services, upon request to him, may approve other identification systems in specific cases and under such conditions as he may prescribe if he de-

[6] It is requested that the operator of each livestock concentration point, slaughter establishment or other place of business where such swine are identified on arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket, invoice, waybill, or similar document relating to the swine, and that such document be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

[7] Serial numbers of eartags to be used will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his place of business.

[8] It is requested that the operator of each livestock concentration point or other place of business where such swine are identified upon arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket invoice, waybill, or similar document relating to the swine and that such documents be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector. It is further requested that the official inspection certificate or other document required by this section to accompany certain swine interstate be maintained on file at the farm or other place of business of the consignee for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

termines that such systems provide the necessary information to allow for traceback of the swine to their herd of origin.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before December 17, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782 during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of October, 1975.

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

[FR Doc.75-28041 Filed 10-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 43, 63, 65, 91, 105, 121, 123, 127, 133, 135, 137, 143, 145, 147, and 183]

[Docket No. 14322; Notice No. 75-9B]

OPERATIONS REVIEW PROGRAM

Availability of Agenda and Related Working Documents for Operations Review Conference

On February 26, 1975, the FAA invited all interested persons to submit proposals for consideration during the First Biennial Operations Review (Notice No. 75-9, 40 FR 8685, February 28, 1975). The FAA also stated that it would compile and make available for comment, all proposals that were to be given consideration as possible agenda items for the First Biennial Operations Review Conference. On May 29, 1975, the FAA announced the availability of the *Compilation of Proposals* and invited all interested persons to submit comments on the proposals (Notice No. 75-9A, 40 FR 24041, June 4, 1975).

In response to that invitation, over 5,000 individual comments, contained in 123 submissions, were received by the FAA. Based on those comments and on the compilation of Proposals, the FAA has prepared a number of working documents to be used for the Operations Review Conference to be held at the Sheraton-National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia 22204, December 1 through 5, 1975.

The FAA hereby announces the availability of those working documents for the Operations Review Conference. They are being distributed to all persons who have participated thus far in the Operations Review Program and to other persons who have expressed an interest. As long as the supply lasts, interested persons may obtain a copy of those documents by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Operations Review Branch, AFS-920, 800 Independence Avenue, S.W., Washington, D.C. 20591.

As stated in Notice 75-9 and Notice 75-9A, not all of the proposals contained in the *Compilation* would necessarily be included in the final agenda for the Conference. Whether or not a proposal appeared in the *Agenda* would in large measure depend on the comments received. In that light and based on a review by the FAA, a number of proposals will not be given formal consideration during the Conference. The basis for removal from consideration at the Conference are as follows:

(1) Proposals that were beyond the scope of the Operations Review Program, but which were inadvertently included in the *Compilation of Proposals*.

(2) Proposals that were withdrawn by their proponent.

(3) Proposals that, because of their lack of clarity or justification, or because of a need for further study or development are not likely to produce fruitful discussion at the Conference. Such proposals may be deferred for further study and may be considered during the next Operations Review.

(4) Proposals that deal with issues covered in other FAA rulemaking actions.

(5) Proposals that are straightforward, adequately justified and for which the comment indicate that no useful purpose would be served by discussion at the Conference. These proposals have been held for inclusion in a forthcoming Notice of Proposed Rule Making.

To facilitate the identification of the proposals that were contained in the *Compilation* but have been removed from consideration during the Conference, the FAA has published an *Agenda Supplement* which will provide information relating to those proposals. Inquiries may be made of the Operations Review Branch, at the above address if more specific information is desired.

In addition to the document titled *Agenda Supplement*, an *Agenda* for the Operations Review Conference and the following workbooks have been prepared:

1. Aircraft and Equipment Requirements.
2. Aircraft Maintenance.
3. Aircraft Operating Rules.
4. Airman Certification.
5. Air Traffic Rules.
6. Certificated Operators and Agencies.
7. Flight Attendants.
8. Flight Time Limitations.
9. Training.
10. Special Issues.

NOTE: Workbook 6 has been divided into two parts. Part A deals with Certified Operators and Part B with Certificated Agencies.

Each of the workbooks contains the proposals to be discussed at the Conference by the eleven designated Committees in a form similar to that used for the *Compilation of Proposals* but with comments by interested persons included.

Within each workbook, the proposals are arranged numerically by proposal number. The *Agenda*, in addition to providing general information relating to the Conference program, contains detailed information on how the proposals have been grouped as agenda items, and how these agenda items have been scheduled for discussion by the respective Committees.

Advance registration information for the Conference is being distributed to all persons who have shown an interest and will be forwarded to anyone requesting such information from the Operations Review Branch, AFS-920.

Persons who plan to attend the Conference should be aware that the following procedures have been established to facilitate the workings of the Conference.

(1) Transcripts of Committee meetings will not be made; however all meetings will be recorded and the tapes may be made available to interested persons. Copies of the tapes may also be purchased, at fees determined in accordance with 49 CFR 7.85(j).

(2) Summaries of the Committee discussion on each agenda item will be recorded. Transcripts of these summaries will be made available to all persons who register at the Conference. These summaries will also be available in the Rules Docket.

(3) Cognizance will not be taken of material prepared for discussion at the Conference by participants (but not contained in the working documents distributed by the FAA) unless the following procedures are followed:

(a) The material must be submitted to the FAA Operations Review Branch, AFS-920 as soon as possible or presented at the Conference Registration Desk by 7:00 a.m. on the first day (December 1).

(b) A copy of the material must be made for each person expected to attend the meeting at which it is to be discussed. (This information will be available at the Registration Desk).

(c) The material must, on its first page or cover, identify the preparer, the agenda item to which it relates, the Committee in which the material is to be discussed and a concise statement of the reason for the submission (i.e. the material contains a counter-proposal, or a more specific proposal or the material provides additional justification for the preparer's position on the agenda item). The FAA will distribute such additional material to the appropriate participants on the first day of the Conference.

(4) It should be noted that proposals appearing on the agenda will not necessarily become formal rulemaking. Notwithstanding that the FAA indicated concurrence or agreement in its comments, this concurrence or agreement is

in principle and does not indicate a final FAA position. The FAA may decide after discussion of these proposals at the Conference, that certain of them will be changed, expanded, rejected or deferred for further study.

This notice is issued under the authority of Section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 10, 1975.

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

[FR Doc.75-28086 Filed 10-16-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975-62]

PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guideline; Notice of Hearing

The Federal Election Commission announces that it will hold hearings on Tuesday and Wednesday, November 4 and 5, 1975, for the purpose of receiving further comments from interested persons on the proposed rules published in 40 FR 47688, on October 9, 1975, entitled "Presidential Primary Matching Fund Regulations."

All persons wishing to present views at these hearings should, no later than Thursday, October 30, 1975, request in writing that their name be placed on the Hearing Calendar. The request should be addressed to the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. All persons desiring to appear should submit to the Commission, at that same address, a written statement setting forth their proposed testimony no later than Friday, October 31, 1975.

All questions regarding this notice should be addressed to the Office of the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C., or telephone (202) 382-5657.

Dated: October 14, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-28120 Filed 10-16-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Parts 201, 210]

PROPOSED RULES OF PRACTICE AND PROCEDURE

Extension of Comment Period

Notice is hereby given that the United States International Trade Commission is extending the time period for submission of comments on its proposed rules 19 CFR Parts 201 and 210, from October 2, 1975 to October 31, 1975.

The proposed regulations, which were published in the FEDERAL REGISTER on Tuesday, September 2, 1975 (40 FR 40173), implement sections 337 and 337a of the Tariff Act of 1930, as amended by section 341 of the Trade Act of 1974, 88 Stat. 2053 (19 U.S.C. 1337 and 1337a).

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission intends to make the final regulations effective immediately upon publication in the FEDERAL REGISTER on good cause found and published with the rule. It is anticipated that publication of the final regulations as effective will take place on or about the twentieth of November, 1975.

By order of the Commission.

Issued: October 10, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-27966 Filed 10-16-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-228]

WEMBLEY INDUSTRIES, INC.

Recordation of Trade Name

In FR Doc. 75-24342, appearing on page 42378 in the issue for Friday, September 12, 1975, the second paragraph, the third line, the first word which presently reads "Wimbley" should read "Wembley".

[(T.D. 75-260) Customs Delegation Order No. 52]

COMMISSIONER OF CUSTOMS

Authority Delegation

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the U.S. Customs Service in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs.
2. The Assistant Commissioner (Operations).
3. The Assistant Commissioner (Regulations & Rulings).
4. The Assistant Commissioner (Administration).
5. The Assistant Commissioner (Investigations).
6. The Assistant Commissioner (Internal Affairs).
7. The Assistant Commissioner (Enforcement Support).
8. Chief Counsel.
9. The Regional Commissioner of Customs, Region II.
10. If none of the above officials is available, the remaining Regional Commissioners of Customs, in order of their appointment as Regional Commissioners of Customs.

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), there is hereby delegated to the regional commissioners of Customs, district directors of Customs, and port directors of Customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Comissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 44, dated January 15, 1973 (T.D. 73-22; 38 F.R. 1944).

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-28010 Filed 10-16-75;8:45 am]

[T.D. 75-258]

INTERNAL ADVICE PROCEDURE

Clarification of Procedures

OCTOBER 8, 1975.

There is published below for the information and guidance of the public a clarification of the Internal Advice Procedure established by the Commissioner of Customs for the use of Customs officers, importers, and other interested parties in obtaining advice and rulings from Customs Headquarters with respect to ongoing Customs transactions within the technical areas of law interpreted by the Office of Regulations and Rulings. This Procedure was set forth in Treasury Decisions 75-17 and published in the FEDERAL REGISTER of January 13, 1975 (40 F.R. 2453).

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

CLARIFICATION OF INTERNAL ADVICE PROCEDURES

The internal advice procedures were designed to give the Customs Service the ability to identify and resolve at Headquarters level, problems for which there are no clear administrative or judicial precedents, or when the issue is so unusual and complex as to warrant consideration by Headquarters. Likewise, the internal advice procedures are applicable to situations where nonuniformity of action is evident, or the issue is considered to have national application.

The internal advice procedures were not designed to supersede existing formal or informal procedures traditionally utilized for the resolution of issues in circumstances where the nature of the question is such that it does not require a new or clarifying ruling. The utilization of internal advice procedures for the resolution of problems which can be resolved by other means adds to the formalized workload under internal advice, and inhibits Headquarters' ability to respond promptly to those questions where clear precedents do not exist. Moreover, requests for internal advice on long settled issues could represent an attempt to defer payment of additional duties, pending resolution of requests for internal advice.

Consistent with established procedures, Headquarters may refuse to consider internal advice requests if it determines that the interests of the public and the Customs Service can best be served through Headquarters review of formal protests involving issues raised in requests for internal advice.

Regional Commissioners, district or area directors will determine whether internal advice is to be requested on any issue before them which pertains to an ongoing transaction. Issues dealing with prespective transactions must be submitted under the provisions of Part 177, Customs Regulations.

Requests for internal advice will not be submitted until all internal coordinating procedures have been exhausted in an attempt to resolve the issue. Visits to importer's premises in accordance with established guidelines should be utilized, when appropriate, to develop information necessary for the full evaluation of the issue.

If, after completion of the actions stipulated above, the regional commissioner or district/area director continues to adhere to his initial position on the issue, and this position is consistent with that coordinated through the Customs Information Exchange, a request by an importer for an internal advice ruling may be denied by the regional commissioner or district/area director. Denials of internal advice requests must be based on clear and definitive precedents which unequivocally support the position taken by the regional commissioner or district/area director. Such precedents should be communicated to the person being denied an internal advice ruling.

In instances where a request for internal advice is denied, the importer will be notified in writing of the reason for such denial, and advised of his right to request and obtain further review under the provisions of section 174.24(d), Customs Regulations. If further review of a protest is requested, and the reason set forth is the denial of a request for internal advice on the same issue, further review of such a protest will be automatically granted.

If additional information is presented to supplement a request for internal advice, which tends to support the importer's position, and if based upon the new information the field office does not agree with the position coordinated through the Customs Information Exchange, a request for internal advice should be initiated to resolve the issue.

A request for internal advice shall be limited to a specific commodity, manufacturer, seller, and country of exportation. If an issue covers other commodities, manufacturers/sellers, or country of exportation, a separate request must be submitted for each case.

During the period in which a request for internal advice is being considered at Headquarters, withholding of appraisement by other field offices should be limited to merchandise that can be specifically identified with the issue being considered.

Requests for internal advice submitted to Headquarters must be accompanied by copies of all documents bearing on the issue which are available at the field office originating

or transmitting a request for internal advice. Requests involving tariff classification issues must contain a complete description of the merchandise. Samples, catalogues, or other descriptive information should be submitted when appropriate.

[FR Doc.75-27944 Filed 10-16-75;8:45 am]

[TMK-2-R:E:R]

MARKETING PLANNING ASSOCIATES, INC.

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Marketing Planning Associates, Inc., used by Marketing Planning Associates, Inc., a corporation organized under the laws of the State of California, located at 9701 Wilshire Boulevard, Seventh Floor, Beverly Hills, California 90210.

The application states that the trade name is applied to articles of clothing, including male and female undergarments. The application further states that no foreign person, parent or subsidiary company under common ownership or control, or other business entity is authorized to use the trade name sought to be recorded. Appropriate papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than November 17, 1975.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

OCTOBER 7, 1975.

[FR Doc.75-28012 Filed 10-16-75;8:45 am]

[T.D. 75-259]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota for the Quota Year Beginning September 15, 1975

OCTOBER 10, 1975.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1975, is 45 million pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1975, made by the United States Department of Agriculture as of September 1, 1975, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21 billion pounds.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-27945 Filed 10-16-75;8:45 am]

Office of the Secretary

TANTALUM ELECTROLYTIC FIXED CAPACITORS FROM JAPAN

Antidumping Proceeding Notice

On September 24, 1975, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating the possibility that tantalum electrolytic fixed capacitors from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates that domestic employment, sales, production, profitability, and prices during the period 1974–1975 have declined significantly. While imports from Japan represent a relatively small portion of U.S. consumption, these imports have increased dramatically during the period 1971–1974 and there is evidence that these imports are underselling domestic competitors by a margin in a range 20–70 percent. On the basis of such evidence, it is not deemed necessary to refer the case to the International Trade Commission pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for export to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-28013 Filed 10-14-75;3:07 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26629, 26716, 26717 and 26749]

NEW MEXICO

Applications

OCTOBER 9, 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), Northwest Pipeline Corporation has applied for four 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN, NEW MEXICO

T. 30 N., R. 5 W. Sec. 5, SW¼SW¼; Sec. 6, NW¼SW¼ and S½SE¼; Sec. 15, S½SW¼; Sec. 29, SE¼NE¼.

These pipelines will convey natural gas across .811 mile of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27974 Filed 10-16-75;8:45 am]

NEW MEXICO MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the New Mexico Multiple Use Advisory Board of the Bureau of Land Management will meet in Albuquerque, New Mexico, November 11 and 12, 1975, at the Albuquerque Inn at Third and Marquette Streets, NW., as follows:

November 11, 8 a.m. to 4 p.m., orientation of members as to functions and duties of board members, general missions and responsibilities of the Bureau, areas of jurisdiction, program priorities, and manpower allocations.

November 12, 8 a.m. to 4 p.m., election of officers, reports and discussions and possible problem assignments to the board pertaining to federal energy policy and development in New Mexico, Texas and Oklahoma, as related to Bureau jurisdiction, general environmental concerns including workloads upon the Bureau for preparation of environmental analysis and statements; Bureau land occupancy and title problems in New Mexico; and public participation in the Bureau planning and decision processes.

Committees selected from the membership by the co-chairman may deliberate during the day, November 12, but also

may be assigned information gathering roles for the period between board meetings on topics chosen by the co-chairmen as appropriate for eventual full board action. Committees may make recommendations to the full board, either during the November 12 meeting, or subsequently as provided and announced during or following November 12.

Meetings will be open to the public. Effort will be made on a space-available and time-available basis to accommodate members of the public wishing to participate in the sessions, and wishing to make written or oral statements to the Board, provided that notice of such desire and intent are communicated to the New Mexico State Director of the Bureau of Land Management not later than 4 p.m., November 7, 1975.

Written communications and requests for information on the meetings should be directed to the Office of Public Affairs, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone requests or messages on the same subjects should be directed to Doyle Kline (505) 988-6316.

ARTHUR W. ZIMMERMAN,
State Director.

OCTOBER 8, 1975.

[FR Doc.75-28033 Filed 10-16-75;8:45 am]

[NM 26540]

NEW MEXICO

Application

OCTOBER 8, 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), Northwest Pipeline Corporation has applied for three 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 13 W.
Sec. 15, W½SW¼;
Sec. 21, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼ and S½SW¼;
Sec. 28, NW¼NW¼;
Sec. 30, lots 8, 9, 10, 13 and 14.

These pipelines will convey natural gas across 2.990 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28034 Filed 10-16-75;8:45 am]

[NM 26617]

NEW MEXICO

Application

OCTOBER 8, 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 lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 27 E.
Sec. 20, E½SW¼ and SW¼SE¼;
Sec. 28, NW¼SW¼ and S½SW¼;
Sec. 29, NE¼ and NE¼SE¼;
Sec. 33, SE¼NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 34, NW¼SW¼ and S½SW¼.
T. 26 S., R. 27 E.
Sec. 3, NW¼NE¼, S½NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 11, SW¼NE¼, SE¼NW¼, N½NW¼ and NW¼SE¼.

This pipeline will convey natural gas across 4.385 miles of national resource lands 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, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28025 Filed 10-16-75;8:45 am]

[NM 26723]

NEW MEXICO

Application

OCTOBER 10, 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), Natural Gas Pipeline Company of America has applied for a 4 inch natural gas pipeline right-of-way and a .34 acre meter site across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 30 E.
Sec. 10, W½ NE¼.

This pipeline will convey natural gas across .273 mile 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, PO Box 1397, Roswell, New Mexico, 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28036 Filed 10-16-75;8:45 am]

[NM 26752, 26763, 26764, 26766, 26768, and 26772]

NEW MEXICO

Applications

OCTOBER 10, 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 four 4½ inch and one 6⅝ inch natural gas pipelines and a 2.5 acre compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.
Sec. 3, S½N½ and NW¼SW¼;
Sec. 4, N½S½;
Sec. 5, S½SW¼, N½SE¼ and SW¼SE¼;
Sec. 6, S½SE¼.
T. 26 S., R. 30 E.
Sec. 25, SW¼SW¼;
Sec. 26, S½S½;
Sec. 27, SE¼NW¼, E½SW¼ and S½SE¼;
Sec. 34, NE¼NW¼.

These pipelines will convey natural gas across 6.001 miles of national resource lands 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 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.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28037 Filed 10-16-75;8:45 am]

UKIAH DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Ukiah District Multiple-Use Advisory Board to the Bureau of Land Management will meet at the Ukiah District Office, 555 Leslie St., Ukiah, California, December 11-12, 1975. Meeting times are 1:00 p.m. to 5:30 p.m. on Thursday and 8:00 a.m. to 12:30 p.m. on Friday. The agenda for the first day will include consideration of board functions and procedures, district organization, planning and environmental analysis in the Ukiah District, implementation of the King Range National Conservation Area plan and Cow Mountain land use conflicts. The agenda for the second day will consist

of a discussion of geothermal development in the Ukiah District, Board elections, committee assignments, committee meetings and reports, and a general business meeting.

The meeting will be open to the public. Time will be made available at 5:00 p.m. on Thursday and 12:00 noon on Friday for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the Ukiah District Manager prior to the meeting days. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the Ukiah District Manager.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.75-28032 Filed 10-16-75;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, November 7, 1975, at 1:30 pm, at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Public Law 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Water Resources study in the Seashore, (2) Policy regarding improvements, alterations, renovations, etc. of "improved properties," (3) Research report on effects of foot traffic on dunes/dune grass, (4) Proposed improvements to Thompson's Clam Bar Restaurant (commercial property) in Truro, and (5) Proposal to adopt oversand vehicle fees. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusets 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: October 3, 1975.

DAVID A. RICHIE,
Acting Regional Director, North Atlantic Region.

[FR Doc.75-27946 Filed 10-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COUNCIL PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Council Planning Unit, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-5.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Council Planning Unit on the Payette National Forest. The purpose of the plan is to allocate National Forest lands within the planning unit to specific resource uses and activities; establish objectives; document management direction, management decisions, and necessary coordination between resource uses; and provide for the protection, use, and development of the various resources within the planning unit.

This draft environmental statement was transmitted to CEQ on October 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, Ogden, Utah 84401.
Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.
District Ranger, Council Ranger District Council, Idaho 83612.

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638. Comments must be received by December 8, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: October 9, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-27971 Filed 10-16-75;8:45 am]

DESCANSO DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Descanso District Grazing Advisory Board will meet at 8 p.m., November 3, 1975 at the Alpine Ranger Station Office, 2707 Alpine Boulevard, Alpine, CA 92001.

The purpose of this meeting is to provide National Forest grazing permittees means for expression of recommendations concerning management and administration of Cleveland National Forest grazing resource; better understanding of policy, regulations, and requirements; to develop local interest and responsibility in better range management; and to elect members to the Board of Directors and other offices of the organization as set forth in the bylaws.

The contact address is: Peter Marston, P.O. Box 176, Pine Valley, CA 92062, phone (714) 473-8777.

Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation. Public members may participate only when they are recognized by the officer in charge of the meeting.

Dated: October 9, 1975.

FREDERIK G. DEHOLL,
Forest Supervisor.

[FR Doc.75-28005 Filed 10-16-75;8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., November 6, 1975, for a no-host dinner at Tony's Poco Toro Restaurant, Bend, Oregon. The program will follow at 8 p.m.

The subject to be discussed at this meeting will be "Review and comment on proposed concepts for riding and hiking trail location and relocations."

The meeting will be open to the public.

Dated: October 9, 1975.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.75-27970 Filed 10-16-75;8:45 am]

GIFFORD PINCHOT NATIONAL FOREST, WASH.

Availability of Draft Environmental Statement Regarding Upper Lewis River Planning Unit

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Upper Lewis River Planning Unit, Gifford Pinchot National Forest, Washington. USDA-FS-R6-DES-(Adm)-76-1.

The environmental statement concerns a revised land use plan for the Upper Lewis River Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

This draft environmental statement was transmitted to CEQ on October 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 57204.

A limited number of single copies are available upon request to Forest Supervisor, Spencer T. Moore, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Spencer T. Moore, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660. Comments must be received by December 15, 1975, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing & Budgeting.

OCTOBER 10, 1975.

[FR Doc.75-27972 Filed 10-16-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

ALLOCATION OF THIRD COUNTRY RIGHTS IN INVENTIONS RESULTING FROM COOPERATIVE US/USSR RESEARCH AND DEVELOPMENT

Invitation for Comments

The Department of Commerce is seeking suggestions regarding the allocation of rights in countries, other than the U.S. and the Soviet Union, to inventions which may be made under US/USSR government-to-government cooperative research in science and technology. On the U.S. side, participation in such cooperative activity is either through a U.S. government body, or a firm or institution on contract to the government.

To provide a proper setting for this request, it is helpful to know that a Joint Commission on Scientific and Technical Cooperation was established in accordance with an agreement signed May 24, 1972, by the United States and the Soviet Union. As a result, the two countries are engaged in various joint activities, basically R & D efforts that are not primarily commercial arrangements.

This Joint Commission in 1973 approved a Statement of Guiding Principles for Intellectual Property and established a Joint Working Group on Intellectual Property. The function of the Working Group is to give priority attention to legal, economic and other questions basic to the formulation and application of intellectual property provisions in specific agreements defining the various cooperative research activities envisaged.

The Joint Working Group has been conducting negotiations on Implementing Procedures for the Guiding Principles and at its first meeting in Moscow, May 1975, signed a Protocol. While agreement was reached on some matters, most notably copyrights, no formal agreement was reached on Implementing Procedures for rights to inventions.

Copies of the Statement of Guiding Principles for Intellectual Property approved in 1973 by the US/USSR Joint Commission on Scientific and Technical Cooperation and the Protocol of the Joint US/USSR Working Group on Intellectual Property, May 1975 may be obtained upon request. Requests should be addressed to the Office of the Assistant Secretary for Science and Technology, Department of Commerce, Washington, D.C. 20230.

Like the Statement of Guiding Principles, the Implementing Procedures that are being worked out will be no more than guidelines. Intellectual Property provisions of agreements for cooperative activities will be negotiated on a case-by-case basis.

The U.S. side of the Joint Working Group is presently developing its position on Implementing Procedures for inventions rights and more specifically on how to handle rights in countries other than the U.S. or U.S.S.R. (third countries). As set forth in the Guiding Principles, each side will determine the allocation of all rights to inventions in its own country. Rights in other countries shall be agreed upon during negotiations pertaining to individual cooperative activities. It is intended that these Implementing Procedures will be helpful in these negotiations and should be applicable to the majority of the cooperative activities.

It is specifically in connection with the development of a position for allocation of invention rights in third countries that the Department is interested in views of U.S. industry.

Two separate situations are identified below and views are solicited regarding allocation of rights to inventions in third countries for both.

(a) *Inventions arising out of cooperative activities made jointly by inventors of the U.S. and U.S.S.R. working together in their respective countries.* Under these conditions, one proposal that has been made is that as to third countries both sides would, effectively, own all resulting patent rights. The consequence of such an approach would be that each Party would freely use, and license others to use the joint invention within third countries.

(b) *Inventions arising out of cooperative activities where personnel of only one side are involved in making the invention.* It must be realized that although only one side made the invention the other side may well have provided a significant contribution by way of funding, equipment, technical information, or otherwise. Typical examples of this latter case would be an invention made by either an American engineer (or engineers) operating Soviet equipment or a Soviet engineer (or engineers) operating American equipment. Views are sought for treating the ownership of rights in third countries where either an American or Soviet citizen (or citizens) create an invention within the cooperative activity but without active collaboration on that particular invention with a citizen of the other side.

Two contrasting views are presented for consideration. These relate specifically to the conditions outlined in the preceding paragraph where nationals of only one country are involved. Comments are solicited on which proposal, if any, under situation (b), is deemed preferable. Alternatively, suggestions for other approaches are welcome.

PROPOSAL I

The party or side to the agreement in whose country the invention was made shall have the first option to acquire all rights in third countries, subject to the grant of an irrevocable, royalty free, nonexclusive license with the right to grant sublicenses, to the other Party, to use, manufacture, and/or sell such inventions in such third countries.

Under this approach, regardless of who or where an invention is made or who employs the inventor (or inventors), any

invention which results from a contribution by both parties would be regarded as an invention that is available for use by either party.

PROPOSAL II

The party or side whose employee (or employees), or organization, makes (or make) the invention shall acquire all rights in third countries.

In this second proposal the party employing the inventor (or inventors) would determine the ownership of invention rights in third countries. Specifically, if an American cooperating on behalf of the US made the invention in the USSR, the US would determine third country rights, and vice versa for a Soviet employed by a State enterprise inventing in the US during the course of a cooperative activity.

In formulating comments, respondents should bear in mind several desirable goals: (1) maximizing success in USSR cooperative activities; (2) the allocation of industrial property rights that are realistic and equitable; and (3) provision of incentive for US firms and institutions to participate in cooperative activities under the bilateral government programs.

In order to proceed in a timely fashion with this undertaking, and to allow for time to analyze the responses, communications are requested by October 31, 1975 and should be addressed to Betsy Ancker-Johnson, Ph. D., Assistant Secretary for Science and Technology, Department of Commerce, Washington, D.C. 20230.

Copies of comments received will be filed in the public docket which will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

OCTOBER 10, 1975.

[FR Doc.75-27965 Filed 10-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75C-0283]

ETHICON, INC.

Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (CAP 6C0113) has been filed by Ethicon, Inc., Route 22, Somerville, N.J. 08876, proposing the issuance of a regulation (21 CFR Part 8) to provide for the safe and suitable use of logwood for coloring nylon or silk nonabsorbable surgical sutures, USP, for use in general and ophthalmic surgery.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 9, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-27962 Filed 10-16-75;8:45 am]

ONCOLOGIC DRUGS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Oncologic Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 24, 1975.

Authority for this committee will expire October 24, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27961 Filed 10-16-75;8:45 am]

Health Services Administration

IOWA

Announcement of Results of Poll of Physicians

On May 14, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Iowa Foundation for Medical Care, Inc., designating it as the Professional Standards Review Organization for the State of Iowa, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.19.

Such notice was also published in three consecutive issues of The Des Moines Register-Tribune, The Quad-City Times, The Cedar Rapids Gazette, Waterloo Daily Courier, Fort Dodge Messenger and Chronicle, and The Dubuque Telegraph-Herald on May 14, 15, and 16, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of Iowa of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in Iowa who objects to the Secretary entering into an agreement with the Iowa Foundation for Medical Care, Inc. on the grounds that such organization is not representative of doctors in Iowa, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 13, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in Iowa, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in Iowa have expressed timely objection to entering into an agreement with the Iowa Foundation for Medical Care, Inc.

Therefore, on July 21, 1975, in accordance with 42 CFR 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in Iowa to determine whether the Iowa Foundation for Medical Care, Inc. is representative of such doctors in the area.

Such notice was also published in The Des Moines Register-Tribune, The Quad-City Times, The Cedar Rapids Gazette, Waterloo Daily Courier, Fort Dodge Messenger and Chronicle, and The Dubuque Telegraph-Herald on July 21, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in Iowa of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor on which he was to indicate whether in his opinion the Iowa Foundation for Medical Care, Inc. was or was not representative of the doctors of medicine or osteopathy engaged in active practice in Iowa. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in Iowa who had not received a ballot by July 28, 1975, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than August 20, 1975, and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO area.

The counting of the ballots took place in a proceeding open to the public at the City Council Chambers, City Hall, East First and Locust, Des Moines, Iowa on August 29, 1975.

After tabulating the ballots received under 42 CFR 101.105, the Secretary has determined, pursuant to 42 CFR 101.107, that more than 50 percentum of the doctors responding to the poll indicated by checking the appropriate box on the ballot, that the Iowa Foundation for Medical Care, Inc., was representative of the doctors in the area and therefore the Secretary intends to enter into an agreement designating the Iowa Foundation for Medical Care, Inc., as the conditional Professional Standards Review Organization for the State of Iowa.

This count will be final, except that the Secretary will conduct a recount if at least five doctors in the area so request in writing postmarked on or before October 28, 1975.

Such recount will be conducted in a public proceeding and the result of the recount will be final.

Dated: October 7, 1975.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.75-27973 Filed 10-16-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Meeting

Notice is hereby given pursuant to Pub. L. 92-463, that the Supplemental Security Income Study Group will hold the following meetings from 9:00 a.m. to 4:00 p.m. at the Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland, 21235:

October 30 and 31, Room 4-B-13 Operations Bldg.

November 13 and 14, Room G-B-10 East Bldg.

December 11 and 12, Room G-B-10 East Bldg.

December 18 and 19, Room G-B-10 East Bldg.

All meetings are open to the public.

Further information on the Study Group may be obtained from Nelson Sabatini, Executive Secretary of the Study Group, Room 960 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore Maryland 21235, telephone (301) 594-2330. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind, and Disabled)

Dated: October 10, 1975.

NELSON SABATINI,
Executive Secretary,
Supplemental Security Income Study Group.

[FR Doc.75-28019 Filed 10-16-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-110; FDAA-489-DR]

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland, dated October 4, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 4, 1975:

The Counties of:

Calvert, Kent, Queen Anne's, St. Mary's, Talbot.

(Catalog of Federal Domestic Assistance No. 14701, Disaster Assistance.)

Dated: October 10, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-28055 Filed 10-16-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RATEMAKING AND ECONOMIC REGULATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 10:00 A.M., Thursday, October 30, 1975 in the offices of the Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037.

The Committee will meet to consider the report and recommendations by Professor Mason Willrich concerning the administration of energy shortages.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David B. H. Martin (telephone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 10, 1975.

[FR Doc.75-27969 Filed 10-16-75;8:45 am]

[Order 75-10-43; Docket 26494; Agreement C.A.B. 25431; R-1 through R-3]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Issued under delegated authority October 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend certain first class, economy, and group fares between Lisbon and points in North Africa. We will approve the first and economy class fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to creative fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25431 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25431:			
R-1	052	TC2 First Class Fares (Within Europe) (Amending)	2
R-2	062	TC2 Economy Class Fares (Within Europe) (Amending)	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25431, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25431:			
R-3	072g	TC2 Creative Fares Board-Europe (Amending)	2

Accordingly, IT IS ORDERED THAT:

1. Those portions of Agreement C.A.B. 25431 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25431 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28029 Filed 10-16-75;8:45 am]

[Order 75-10-50; Docket 27573; Agreement C.A.B. 25453]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated October 6, 1975.

Specific Commodity Item No.	*Description and Rate*
1407	Floral and Nursery Stock and Seeds, excluding cut flowers 164 cents per kgs., minimum weight 100 kgs. From Copenhagen to New York

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25453 is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28030 Filed 10-16-75;8:45 am]

[Order 75-10-51; Docket 28392]

KOREAN AIR LINES CO., LTD.

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 filed September 5, 1975 for effect October 5, 1975, Korean Air Lines Co., Ltd. (KAL) proposes to establish new general commodity, freight-all-kinds (FAK) rates from the United States to Japan and the Republic of Korea. The rates would apply to shipments of 30,000 kgs. from Los Angeles to Seoul or Tokyo, tendered to the carrier in containers or pallets. On a per kilogram basis, the rates equate to $1.05 per kg. to Tokyo and $1.10 per kg. to Seoul.

A complaint requesting suspension and investigation of the rates has been filed jointly by The Flying Tiger Line, Inc. (Tiger), Pan American World Airways, Inc. (Pan American), China Airlines, Ltd. (CAL) and Japan Air Lines Company, Ltd. (JAL).[1] An answer in support of the complaint has been submitted by Trans International Airlines, Inc. (TIA).

In its justification accompanying the tariff filing, KAL asserts that the proposed rates are consistent with the Board's recent emphasis on the need for lower rates, and its consideration of whether the public interest is better served by less regulation and more competition, citing *Transatlantic FAK Container and Charter Freight Rates Investigation*, Docket 27557, *Evaluation of Economic Behavior and Other Consequences of Civil Aviation System Operating with Limited or No Regulatory Constraints*, Docket 28048, and "Regulatory Reform: Report of the C.A.B. Special Staff"; that although the Board attempted to suspend similar FAK container rates over the North Atlantic, the President disapproved the Board's proposed action on the basis that those rates would reduce worldwide inflation and international transportation costs, and KAL's proposed rates satisfy the same objectives; and that the proposed rates are consistent with the Board's policy statement issued prior to the IATA Worldwide Cargo Conference in Nice, June 1975, which supported measures to reduce reliance on specific commodity rates, and the introduction of high weightbreak general cargo rates. KAL alleges further that the rates are economically justified in that they would cover all out-of-pocket costs and make a contribution to profit, even though they would not cover fully allocated costs; that they would correct the present directional imbalance of KAL's transpacific traffic and therefore are not required to cover fully allocated costs;[2] that the proposed rates will generate a significant amount of new air freight traffic now moving by surface; that there would be very little diversion of traffic from other carriers due to the relatively limited capacity operated by KAL and the proposed rates' high minimum weight requirement; and that Tiger's current earnings position which, allegedly, is substantially in excess of the Board's guidelines, demonstrates that the IATA cargo rates significantly exceed costs.

In their consolidated complaint the Joint Carriers contend that KAL has twisted the precedents of the North Atlantic high weightbreak rates in that the North Atlantic rates were filed in the context of a long history of intense competition between scheduled and charter services for large-volume shipments, but there is no significant charter activity in the transpacific market; and that the President set aside the Board's suspension of Seaboard's rates for reasons of foreign policy rather than economics.[3] The complainants assert further that KAL's filing represents an attempt to gain a competitive advantage in westbound traffic similar to that it now enjoys over non-Korean carriers in Korean-originating traffic, and that approval of the rates would result in similar stratagems by other foreign-flag carriers in attempts to maintain their share of the U.S. market; and that the proposed rates contravene policies set forth in Judge Present's Initial Decision in Docket 22859, *Domestic Air Freight Rate Investigation* (DAFRI) and in the Board's Policy Statement issued prior to

[1] Hereinafter referred to as the Joint Carriers.

[2] In this connection KAL cites *Air Freight Rate Investigation-Directional Rates*, 11 C.A.B. 228 (1950), *Air Freight Rate Investigation*, 9 C.A.B. 340, 344 (1948), and *Directional Charter Rates*, 40 C.A.B. 752,753 (1964). The carrier also refers to Order 75-7-94, in which the Board dismissed Tiger's complaint against domestic rates filed by Northwest Airlines, Inc., even though Northwest's rates were found to be below fully allocated costs.

[3] The Joint Carriers allege further that while the President stated that the North Atlantic rates should remain available to the shipping public, in fact very little benefit accrues to the direct shipper, as the high minimum weights assure that only forwarders, through consolidations, can make use of the rates.

the IATA Cargo Conference in Nice, both of which discouraged the use of promotional rates except in very limited, specific cases.[4] In this connection the Joint Carriers go on to state that the proposed KAL rates clearly fall far short of covering fully allocated costs; and that KAL's traffic projections under the new rates seriously underestimate self-diversion from higher-rated traffic categories, and grossly overestimate the traffic which would be diverted from surface. It is alleged that most of the traffic moving at the proposed rates would, in fact, result from self-diversion and diversion from other carriers who would be forced to match the rates out of competitive necessity, and accordingly would suffer massive revenue dilution. Tiger, Pan American and JAL estimate dilution totaling over $4.1 million in the U.S.-Japan/Korea market, and contend that the impact would be even more severe if the rates spread to other markets.[5]

The Joint Carriers also assert that this is a particularly inopportune time for KAL to propose such low rates due to the recent declines in mail and military charter traffic, and the large operating losses Pan American and JAL suffered in 1974 ($3.9 million and $14.4 million, respectively).[6] Finally, the complainants state that in their earlier complaints[7] against Seaboard's high weightbreak transatlantic rates, they expressed the fear that Seaboard's rates, if permitted to become effective, would prove attractive to other carriers seeking to augment their market share, and the instant KAL filing proves the point.

TIA, in its answer in support of the complaint, alleges that KAL's proposed rates would undercut transpacific charter rates, divert traffic from charters, and destroy the distinction between scheduled and charter service.[8]

Upon full consideration of the tariff filing, the complaint and answers thereto, and all other relevant matters, the Board has concluded that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. The Board further concludes that the rates should be suspended pending investigation.

The Board is not opposed to innovative new concepts in air transportation, and has long supported the principle of high weightbreak rates in scheduled service, while encouraging the carriers to reduce reliance on low specific commodity rates. However, new proposals such as KAL's proposed 30,000 kg. FAK rates must be set at compensatory levels; if they introduce below-cost rates, the inevitable result is a decline in carrier yield, and pressure for general rate increases which raise the cost of transportation to all shippers.

Our analysis of the data submitted indicates that KAL's proposed rates are patently uneconomic. By the carrier's own admission, the rates would not cover fully allocated costs, but it is claimed that this is not required since the rates will help correct an alleged directional imbalance in traffic, and cover "out-of-pocket" costs plus a contribution to profit. We cannot agree. In the first instance, there is no evidence of substantial directionality in traffic between the United States and Japan/Korea, as KAL's own figures show a 48/52 percent distribution, westbound/eastbound, during calendar year 1974. Second, the Board's established policy, set forth in the Nice Policy Statement, is that cargo service is sufficiently well-established to be priced in line with the full costs of providing the service.

It is clear that the rates are significantly below cost. KAL's own estimate, which adopts expenses reported by Tiger as the basis of its justification, shows operating costs of 18.67 cents per revenue ton-mile (rtm), while KAL estimates the average yield from the proposed FAK rates at 16.4 cents per rtm, substantially below the costs of carriage, without even considering return. Even these figures overstate the profitability of the proposed rates, as KAL seriously understates costs and grossly exaggerates revenues. KAL's cost estimate is based on Tiger's first-quarter 1975 B–747F operating costs of $6.48 per mile, but during the second quarter Tiger's costs rose to $6.71 per mile, and a corresponding adjustment in KAL's estimate brings the operating cost to 19.31 cents per rtm. Moreover, these cost and yield figures reflect KAL's anticipated traffic and revenue ton-miles which appear grossly overstated.

KAL estimates that the bulk of the traffic under the new FAK rates will be diverted from surface, and that self-diversion from traffic already moving by air will be minimal. However, KAL has provided no support for either its generation or diversion estimates, which appear wholly unrealistic, and the Board believes the situation would be the reverse of that presented by KAL. As the complainants have pointed out, the proposed rates would still be 213 to 661 per cent of the comparable ocean rates from the U.S. West Coast to Seoul or Tokyo, and KAL admits that it has no commitments from ocean shippers to divert their freight to air if the proposed rates become effective. Thus, significant diversion from surface transport is extremely unlikely. On the other hand, even though the proposed FAK rates undercut every existing air freight rate in the affected markets, KAL forecasts diversion of no existing general-cargo-rate traffic, and only 20 percent of existing specific-commodity-rate traffic.[9] These estimates appear inordinately low in light of the proposed rates would still be 213 and 661 per-rates, and thus it seems clear that the bulk of the traffic under the proposed rates would result from self-diversion, and would reduce KAL's overall revenues significantly.

The extremely low level of the proposed rates would also subject the traffic of other carriers to substantial diversion, and would inevitably result in matching filings out of competitive necessity. Although KAL contends that Tiger's average shipment weight of 360 kgs. means that very little of Tiger's traffic would be subject to diversion, Tiger has indicated that over 95 percent of its North/Central Pacific freight revenues are generated by forwarders and consolidators, who would be in a position to utilize the FAK rates. The proposal does, in fact, seem to be designed for use as a forwarder rate and thus, although the average shipper and the public would receive little benefit from the rates, Tiger and other carriers would be forced to match the rates. Although the Joint Carriers' dilution estimates seem to be somewhat overstated, there is little doubt that approval of these rates would result in significant revenue dilution. Moreover, the adverse impact of the low FAK rates would be magnified far beyond the immediate effect on the U.S.-Japan/Korea market because the proposed rates, in combination with existing rates on either end, could undercut rates as far east as New York and as far west as Singapore.[10]

Finally, we cannot agree with KAL that Tiger's current earnings position justifies resort to the extremely low rates proposed here. KAL is well aware that

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[4] The Joint Carriers state that, in accordance with the Policy Statement, cargo rates should be established at levels which cover fully allocated costs, not merely "out-of-pocket" expenses as KAL contends; and that KAL's attempt to justify the rates on the basis of directional imbalance, with reference to past Board decisions, is faulty because there is no significant directional imbalance in KAL's traffic.

[5] CAL states that, although it does not serve Japan and Korea from the U.S., if the rates become effective they will surely spread to most other Asian markets as each nation strives to maintain the balance between competing markets. The complainants also contend that the proposed rates, in combination with local rates at either end, would undercut through rates from interior U.S. points and to Asian points other than Tokyo and Seoul.

[6] Although Tiger, which has the lowest operating costs, experienced a return on investment of 13.8 percent, it states that this is only slightly over the Board's 12 percent guideline, and the recent trend in Tiger's earnings is decidedly downward.

[7] Pan American and Tiger.

[8] KAL has submitted an answer to the complaints which merely reiterates points raised in its initial justification.

[9] The proposed FAK rates are marginally above existing cargo charter rates as cited by TIA, but as there is very little charter activity in the market, the comparison is somewhat academic.

[10] In contrast to Seaboard's transatlantic high weightbreak FAK rates, which were approved by the Federal Republic of Germany, KAL's rates have not received the approval of the other governments concerned. While approval by the Korean government may be presumed, JAL has stated that the Japanese authorities have clearly indicated that although KAL has not yet filed its FAK rates in Japan, they will not be permitted to go into effect. Were the rates to become effective to Seoul but not to Tokyo, the proximity of the two points (725 miles) would still permit KAL to use Seoul as a break-bulk point for traffic destined to Tokyo and other Far East points.

the Board generally evaluates international fares and rates in the context of the composite earnings position of all the U.S. international flag carriers serving a particular area. The U.S. carriers' composite earnings are currently unfavorable, would be further jeopardized by the significant rate reductions now proposed by KAL, and, in any event, the U.S. carriers' earnings will be carefully considered in the Board's disposition of the overall IATA rate structure under the procedures set forth in Order 75–7–88, July 17, 1975. The data before us clearly show that KAL's proposed rates are significantly below costs, would seriously undermine the financial positions of all the affected carriers, including their proponent, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801 and 1002(j) thereof.

IT IS ORDERED THAT:

1. An investigation be instituted to determine whether the rates, charges and provisions from Los Angeles, California to Seoul, Korea and Tokyo, Japan, bearing the reference mark "(c)", and the explanation of the reference marks "(b)" and "(c)" on 8th and 9th Revised Pages 101 of Tariff C.A.B. No. 52, Air Tariffs Corporation, Agent, and rules, regulations and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates, charges and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions on the tariff page specified in paragraph 1 above are suspended and their use deferred to and including October 13, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[1] and shall become effective October 14, 1975;

4. Except to the extent granted herein, the complaints in Dockets 28259 and 28296 be and hereby are dismissed;

5. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order be served upon Korean Air Lines Co., Ltd., China Airlines, Ltd., Japan Air Lines Company, Ltd., The Flying Tiger Line Inc., Pan American World Airways, Inc. and Trans International Airlines, Inc., 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.75-28031 Filed 10-16-75;8:45 am]

[1] This order was transmitted to the President on October 2, 1975.

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Consumer Affairs Section, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-28025 Filed 10-16-75; 8:45am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

NO NSN
Gypsy Moth Traps
Orange
Brown

CLASS 8340
Pin, Tent, Aluminum
8340–00–261–9749

CLASS 7520
Easel, Display and Training
7520–00–579–7013

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled April 17, 1975.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-28017 Filed 10-16-75;8:45 am]

PROCUREMENT LIST 1975

Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 F.R. 39964) were published in the FEDERAL REGISTER on July 25, 1975 (40 F.R. 31255), August 15, 1975 (40 F.R. 34450), and September 8, 1975 (40 F.R. 41551).

Pursuant to the above notices the following commodities and service are added to the Procurement List:

CLASS 4910	*PRICE*
Creeper, Mechanic's (SH)	$6.34 Each
4910–00–251–6981	
CLASS 7230	
Curtain, Shower (IB)	$1.57 each
7230–00–247–1280	
INDUSTRIAL CLASS 7349	
Janitorial/Custodial	$7,505.54 per year
U.S. Army Reserve Center	
Camp Drum	
Watertown, New York (SH)	

By the Committee.

[SEAL] C. W. FLETCHER,
Executive Director.

[FR Doc.75-28018 Filed 10-16-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from October 6 through October 13, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 1, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Powden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

O'Brien-17 Mile-Cross Mt. Units, Kootenai National Forest, Lincoln County, Mont., October 6: The action involves the implementation of a revised multiple use management plan for the O'Brien-Seventeenmile-Cross Mountain Planning Units, Kootenai National Forest. The proposal will cover approximately 146,500 acres of land. The plan calls for continued development activity, management of the wildlife and visual resources, and increased timber production due to more intensive management. (ELR Order No. 51489.)

Kancamagus Unit Plan, White Mt. National Forest, Carroll and Grafton Counties, Vt., October 10: Proposed is the land use plan for the Kancamagus Unit of the White Mountain National Forest. Major points under the proposed action include: strategic water quality monitoring, major deer yard improvement, elimination and minimal expansion of camp and picnic grounds, more varied recreation facilities, use restrictions and carrying capacity standards, and timber sales producing over 4.8 million board feet per year. Adverse impacts of the proposal include sedimentation, stream channel instability, on-site erosion, decreased local tax revenues, and increased solid waste problems due to antici-

pated increase in dispersed off-road recreation. (ELR Order No. 51510.)

Final

Moose Creek Basin, Salmon National Forest, Lemhi County, Idaho, October 6: The statement concerns the land use plan for the Moose Creek Basin Planning Unit of Salmon National Forest. The Unit contains 74,100 acres, of which 681 acres are privately owned and, in addition, there are 123 acres of unpatented mining claims where surface rights are not held by the United States. The major environmental effects will be due to timber harvests, access road construction, and possible mining activities. Comments made by: EPA, AHP, DOC, DOI, and State agencies and individuals. (ELR Order No. 51487.)

SOIL CONSERVATION SERVICE

Draft

South Fourche Watershed, several counties in Arkansas, October 6: Proposed is a project for watershed protection and flood prevention for the City of Perryville and surrounding areas. Six floodwater retarding structures will be constructed and will supply for the area. About 10 miles of upland intermittent streams and 8 miles of upland ephemeral streams will be permanently inundated by the 7 reservoirs. (ELR Order No. 51482.)

Final

Lower Pine Creek Watershed Project, Contra Costa County, Calif., October 6: The statement refers to the Lower Pine Creek watershed protection, flood prevention and recreation project in Contra Costa County, California. The proposed project consists of conservation land treatment measures along with two earthfill multiple purpose dams with a common reservoir and basic recreational facilities, and forming a park area. Construction of the project will eliminate livestock grazing area and change the wildlife habitat at the site. There will also be temporary disturbances during construction. Comments made by: COE, HEW, DOI, DOT, EPA, 2AHP, and State and local agencies. (ELR Order No. 51491.)

Upper Muddy Boggy Creek Watershed, several counties in Oklahoma, October 9: The Upper Muddy Boggy Creek Watershed work plan proposes a project for watershed protection and flood prevention. The project measures include accelerated application of land treatment measures for the protection of 94,809 acres of agricultural upland and the installation of 36 floodwater structures for the reduction of floodwater, sediment, and erosion damages on 8,876 acres of floodplain land in Pontotoc, Hughes, Coal, and Pittsburgh Counties. Adverse impacts are the inundation of land, decreased woody habitat, disruption of fish and wildlife, and short term increase in erosion and turbidity (40 pages). Comments made by: COE, DOI, DOT, EPA, and conservation interests. (ELR Order No. 51505.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

Draft

Gulf Intracoastal Waterway, Pearl to Apalachee Bay, Florida and Mississippi, October 6: The statement concerns the continued operation and maintenance to authorized dimensions of the Gulf Intracoastal Waterway from Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida. Primary adverse effects include loss of benthic community in the dredged material; turbidity, mudflows, and lower water quality in the area of the cutterhead and open water disposal sites; and displeasing appearance of the fast land disposal sites. (Mobile District.) (ELR Order No. 51494.)

Rouge River, Maintenance Dredging, Michigan, October 6: The statement concerns the maintenance dredging of 4.5 miles of the Rouge River navigation channel. An estimated 230,500 cubic yards of sediments must be removed annually to maintain the channels. Adverse impacts of the project include increased turbidity, destruction of benthic habitat, water quality degradation in the dredging area, and the disturbance of the disposal site. (Detroit District.) (ELR Order No. 51488.)

Detroit River, Maintenance Dredging, Michigan, October 6: Proposed is the maintenance dredging in the Detroit River connecting channels. Upon completion of the Pointe Mouillee confined disposal facility, an estimated 672,000 cubic yards must be removed annually to maintain the connecting channels. Adverse impacts of the proposal include alteration of existing habitats due to dredge disposal and destruction of aquatic life in the dredged area. (Detroit District.) (ELR Order No. 51492.)

Final

Waukegan Harbor, Maintenance Dredging, Lake County, Ill., October 6: The project proposes to resume maintenance dredging and to dispose the unpolluted sediments from the entrance channel at Waukegan Harbor into a deep open water disposal site in Lake Michigan and to dispose the polluted sediments into a confined disposal site located at Kenosha Harbor, Wisconsin. The proposed project would dredge over a 10 year period, 350,000 cu. yds. of sediment. Adverse impacts are disruptions of benthic community, increased turbidity within the harbor and open lake disposal site, and navigation hazards. (Chicago District.) Comments made by: USDA, DOC, HEW, HUD, DOI, EPA, USCG 2, and State and regional agencies. (ELR Order No. 51483.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

East Tennessee Natural Gas, Curtailment, October 7: The action consists of FPC's analysis of two permanent curtailment plans for the East Tennessee Natural Gas Company System. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structures and deregulation are not included as alternatives to curtailment. (ELR Order No. 51496.)

Algonquin Gas Transmission Co., Curtailment, October 9: The action consists of FPC's analysis of two permanent curtailment plans for the Algonquin Gas Transmission Company. Environmental impacts resulting from curtailment are the increased use of oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51504.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

SECTION 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Pulaski Pike Area Water System, Huntsville, Madison County, Ala., October 6: The statement concerns a water system for the city of Huntsville and rural areas of Monroe County to provide a water supply more dependable than wells currently used. Construction of the project involves trenching for water distribution lanes from the existing main in Huntsville to outlying areas. Increased population density along the route is expected. (ELR Order No. 51486.)

Final

Lightening Brook Channel Modification, Union County, N.J. October 7: The statement concerns a plan to provide flood protection, drainage improvement, and land enhancement along portions of the Elizabeth River (Lightening Brook). The project includes the construction of a concrete flume, concrete trapezoidal channel, and retention basin. Temporary construction disruption will result. Comments made by: (ELR Order No. 51495.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Final

North Country Trail, October 7: The statement discusses the recommendation that Congress authorize the concept of the North Country Trail. Such authorization would permit the eventual designation of a hiking trail, approximately 3,246 miles in length originating at the Appalachian Trail in Vermont, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, and terminating at the proposed Lewis and Clark Trail in North Dakota. The Secretary of the Interior would have the authority to designate some sections of the trail "scenic" and recognize others as "recreational". Recreational use would cause continued disturbance of vegetation and wildlife, and soil compaction along the trail itself. Comments made by: AHP, COE, DOI, HUD, DOT, EPA, FPC, and State clearing houses (ELR Order No. 51497.)

GEOLOGICAL SURVEY

Final

Belle Ayr South Mine, Amax Coal Co., Campbell County, Wyo., October 8: Proposed is the approval of a strip mining and reclamation plan for Belle Ayr South Mine, Amax Coal Company. The plan proposes expansion of the existing operation from 3.1 million to 15 million tons per year. The land surface, vegetation, and coal bed aquifers will be destroyed in the area mined, and there will be a permanent reduction in productivity on the 3,018 acres. Comments made by: HEW, FEA, DOI, ICC, EPA, and State and local agencies, power companies and conservation interests. (ELR Order No. 51500.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Final

Floating Nuclear Power Plants, Offshore Power System, Duval County, Fla., October 7: The statement refers to the issuance of a manufacturing license to Offshore Power Systems an Unincorporated venture of Westinghouse Electric and Westinghouse International Power Systems, Inc. for the startup and operation of a proposed manufacturing facility on Blount Island, Jacksonville. Eight floating nuclear power plants (FNP) will be constructed in a shipyard-like facility. Each plant has a pressurized water reactor of 3425 MWt (net) generating capacity. No nuclear fuel will be handled at the site. A second EIS will be issued to evaluate the generic impacts of siting and operations in the coastal waters of the Atlantic Ocean and the Gulf of Mexico. Comments made by: AHP, USDA, DOC, HEW, HUD, DOI, USCG, EPA, FPC, and State agencies. (ELR Order No. 51498.)

Jamesport Nuclear Power Station, Units 1 and 2, Suffolk County, N.Y., October 9: Proposed is the issuance of permits to the Long Island Lighting Company for the construction of the Jamestown Nuclear Power Station, Units 1 and 2, located on Long Island Sound. The plant will employ two identical pressurized-water reactors to produce up to 3425 MWt each. Two steam turbine generators will use this heat to provide 1122 MWe (net) of electrical power capacity from each turbine-generator. A design power level of 3579 MWt (1169 MWe net) for each unit is anticipated in the future. The waste heat will be rejected by a once-through flow of water obtained from and discharged to the Long Island Sound. The cooling system will kill fish and organisms. Comments made by: AHP, USDA, DOC, HEW, DOI, DOT, EPA, FDC, FEA, and State and local agencies and citizen groups. (ELR Order No. 51508.)

Davis-Besse Nuclear Power Station, 2 and 3, Ottawa County, Ohio, October 6: The proposed action is the issuance of construction permits to the Toledo Edison Company for the construction of the Davis-Besse Nuclear Power Station Units 2 and 3. The station will employ identical pressurized-water reactors to produce 2772 megawatts thermal (MWt) each. A steam turbine generator will use this heat to provide about 906 WMe (net) of electric power capacity. A cooling tower will be constructed which will obtain water from and discharge it to Lake Erie. The project will require the change of about 100 acres from agricultural to industrial use. Comments made by: USDA, COE, DOC, HEW, DOI, USCG, EPA Order No. 51484.)

Cherokee Nuclear Stations, Units 1, 2, and 3, Cherokee County, S.C., October 6: The proposed action is the issuance of a construction permit to the Duke Power Company for the construction of the Cherokee Nuclear Station Units 1, 2 and 3. The stations will employ three identical pressurized water reactors to produce up to approximately 3817 MWt each. A steam turbine generator will use this heat to provide 1280 MWe of electrical power capacity per unit. Water for cooling will be obtained from and discharged to the Broad River. A total of 2263 acres will be utilized for the site, displacing about 17 families. The cooling tower blowdown and chemical effluents from the station will increase the dissolved solids concentration in the Broad. Comments made by: COE, USDA, DOI, DOT, ERDA, EPA, FPC, DOC, HEW and State agencies and the applicant. (ELR Order No. 51493.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

South Canton Bypass, Cherokee County, Ga. October 9: The statement concerns the construction of a 1.1 mile segment of the Canton Bypass from S.R. 20 and S.R. 5 to the intersection with the F-057 segment of the Canton Bypass, short of Scott Mill Road. Building the divided, four-lane roadway will require the displacement of 33 households and five businesses. (ELR Order No. 51506.)

Kansas Highway 177 and Kansas Highway 18, Manhattan, County, October 9: Proposed is the improvement of an expressway highway from southeast of Manhattan, Kansas north and northwesterly into the city. A new bridge over the Kansas River is included. Depending upon the design alternative selected, 80 to 91 people will be displaced, and forty-eight to seventy-four acres of land will be diverted from other use to highway right-of-way. (ELR Order No. 51507.)

Relocated U.S. 140 and Phase I Rapid Transit (Supplement), Baltimore County, Md. October 10: Proposed is the construction of relocated US Route 140 (Northwest Expressway) and Phase I of the Northwest Rapid Transit Line along the same alignment in Baltimore County. The project would run from the Baltimore City Line to Reisterstown. A 4(f) statement is included concerning a number of historic sites. (ELR Order No. 51511.)

Brownville Bridge West, U.S. 136, Nemaha County, Nebraska, October 8: Proposed is the improvement of approximately 2 miles of U.S. 136 in the vicinity of Brownville, Nebraska. The road will be two lane except in the village of Brownville where it will be four lane. Displacement of families and acquisition of land for right-of-way may be necessary depending upon the alternative chosen. (ELR Order No. 51501.)

Center St. and Mercy Rd. Intersection, Nebraska, October 8: Proposed is the improvement of the intersection of Center Street and Mercy Road which also provides access to Ak-Sar-Ben grounds. The type of construction includes a viaduct over the Chicago and Northwestern Railroad tracks and Little Papillion Creek on Mercy Road and Center Street. Sidewalks will be provided for pedestrian traffic. The project will require acquisition of approximately 13 acres and the displacement of between 30 and 45 residences and four to five businesses. (ELR Order No. 51502.)

I-287, US202 to N.Y. State line, Bergen, Morris, and Passaic Counties, N.J., October 9: The proposed project is part of an expressway system providing an 87 mile circumference around New York City. The 19-mile 6-lane segment will run from the present terminus of I-287 at US202 in Montville Township to the New York State Line in Mahwah Township. Construction of the facility will result in the displacement of 93 to 224 families and 29 to 57 businesses. A section 4(f) statement is included concerning impacts on parks and recreation lands. (ELR Order No. 51509.)

Columbus-Phenix City North Bypass, Georgia and Alabama, October 7: The project consists of construction of the Columbus-Phenix Bypass from the Columbus-Manchester Expressway to U.S. Route 280 (Opelika Road). Total distance of the project ranges from 12.5 to 15.5 miles depending upon the alignment chosen. Relocation of families (9 to 41) and businesses (0 to 5) will result from the project. A 4(f) statement is included concerning Idle Hour Park. (ELR Order No. 51499.)

Final

Iowa 2, Donnelson to U.S. 61, Lee County, Iowa, October 6: The proposed project involves the reconstruction of Iowa 2 in Lee County, Iowa. The 9.1 mile project will cross both Big Sugar Creek and Devils Creek. Adverse impacts are the acquisition of 79 acres for right-of-way, and the displacement of 2 homes and 3 farm buildings. Comments made by: HEW, USDA, DOI, EPA, and State agencies. (ELR Order No. 51485.)

U.S. Route 4, Vermont, Rutland County, Vt., October 6: Proposed is the construction of approximately 4.3 miles of U.S. Route 4 on new location. The project will be a 4-lane divided, controlled-access facility and involves structures at five locations. Three hundred and nine acres are required for right-of-way. One residence, one vacant house and one wood products business will be displaced; two farm operations will be affected. Comments made by: HUD, EPA, DOC, USDA, FPC, HEW, DOI. (ELR Order No. 51490.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-28015 Filed 10-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 444-1); OPP-00017]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held at 8:30 a.m., Wednesday, November 19, 1975, in Room 2117, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C.

This is the third meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will, in all probability, contain items relating to implementation of key sections of the amended FIFRA. A considerable portion of the available time will also be devoted to reports by the chairmen of the four Working Groups responsible to SFFIAC. In addition, the Chairman of the Working Group on Training, which is responsible primarily to the Extension Committee on Policy, will present his report.

The meeting will be open to the public. Any member of the public wishing to attend should 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 10, 1975.

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

[FR Doc.75-27904 Filed 10-16-75;8:45 am]

[FRL 444-4]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended

October 18, 1972 (Public Law 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that coal mining is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

List of Categories of Sources

33. Coal Mining

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-27903 Filed 10-16-75;8:45 am]

[FRL 445-4; PP4F1450/PW4]

CIBA-GEIGY CORP.

Pesticide Petition; Withdrawal

On February 26, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 7484) that CIBA-GEIGY Corp., Ardsley NY 10502, had filed a petition (PP 4F1450). This petition proposed the establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide 0,0-dimethyl phosphorodithioate, S-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one and its oxygen analog 0,0-dimethyl-S-[2-methoxy-1,3,4-thiadiazol-5-(4H)-onyl-(4)-methyl] phosphorothioate in or on the raw agricultural commodity artichokes at 4 parts per million.

CIBA-GEIGY Corp. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)].

Dated: October 10, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-28064 Filed 10-16-75;8:45 am]

[FRL 445-1]

COMMONWEALTH OF PUERTO RICO

Proposed Sulfur in Fuel Limitations; Public Hearings

On September 11, 1975 (40 FR 42191), the Administrator published an approval/disapproval notice on a proposed revision to the Puerto Rico implementation plan which revised the Commonwealth's control strategy for sulfur oxides. The notice disapproved the sulfur in fuel limitations which had been assigned to two sources on the Commonwealth due to the fact that national ambient air quality standards for sulfur oxides would not be maintained through the use of such fuel.

On the same date (40 FR 42211), the Administrator proposed regulations designed to correct the deficiencies in the Puerto Rico implementation plan. In the notice of proposed rulemaking, the Administrator signified his intention of holding public hearings on such proposed regulations and indicated that such public hearings would be held no earlier than 30 days following publication of the notice of proposed rulemaking. The purpose of this notice is to specify the date, time and place at which the public hearing for Puerto Rico is to be held. This information is set forth below:

Puerto Rico; October 29, 1975 at 10:00 a.m.; Puerto Rico Environmental Quality Board, 1550 Ponce De Leon Avenue, Santurce, P.R., 7th Floor Hearing Room.

Hearing Officer: Mr. Warren Llewellyn

Persons wishing to participate in the public hearing should specify their intentions by notifying the Regional Administrator and supplying five copies of their statements five days in advance of the hearing date. Notification and copies of such statements should be addressed to the attention of the hearing officer, as identified above, at the following address:

26 Federal Plaza, New York, New York 10007. Room 807.

Copies of the material which will be considered at the public hearing are available for public inspection at the Public Information Research Center, 401 M Street, S.W., Washington, D.C. 20460, at the Region II Office, 26 Federal Plaza, New York, N.Y. 10007, Room 907 and at the EPA San Juan Field Office, P.O. Box 792, Santurce, Puerto Rico 00902.

Dated: October 14, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-28067 Filed 10-16-75;8:45 am]

[FRL 1445-3; FAP5H5072/PW3]

NATIONAL CANNERS ASSOCIATION

Food Additive Petition; Withdrawal

On January 31, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 4676) that National Canners Association, 1133 20th St. NW, Washington DC 20036 had filed a petition (FAP 5H5072). This petition proposed the establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in dried tomato pomace for livestock feed at 100 parts per million when present therein as a result of application of the insecticide to tomatoes.

National Canners Association has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)].

Dated: October 9, 1975.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.75-28065 Filed 10-16-75;8:45 am]

[FRL 444-7]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE (COMMITTEE OF TEN)

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: State-Federal Water Programs Advisory Committee.

Date: November 4, 1975.

Place: Environmental Protection Agency, 401 M St. S.W., Washington, D.C., Room 3305 Mall.

Time: 9:00 AM—4:30 PM (Meeting room will open at approximately 8:30)

Proposed Agenda:

Time	*Topic and Speaker*
9 to 9:15 a.m.	Introductory remarks, Mr. Train.
9:15 to 9:45 a.m.	Summary of public hearings on potential Administration proposals to amend Public Law 92-500, Dr. Breidenbach.
9:45 to 10:15 a.m.	Status of A/E regulations; report of study group on architectural / engineering subagreements, Mr. Maughan and Mr. Alm.
10:15 to 10:30 a.m.	Break.
10:30 to 11 a.m.	Report of study group on Secondary treatment regulations for ponds, Mr. Yantis.
11 to 11:30 a.m.	Decentralization of authorities, report of study group on regulations implementing Cleveland bill, Mr. Maughan; report of decentralization task force, Mr. Frangos.
11:30 to Noon	Construction grants, status of obligations, Mr. Rhett.
Noon to 1:15 p.m.	Lunch.
1:15 to 2:15 p.m.	Areawide planning program: status/evaluation; allocation of funds to States; State role in development of 208 planning in nondesignated areas; followup to 208 management workshop; Mr. Beck.
2:15 to 2:30 p.m.	Discharge of dredged or fill material into navigable waters, Mr. Beck.

Time	Topic and Speaker
2:30 to 2:45 p.m.	Break.
2:45 to 3:15 p.m.	Municipal permit program: extension of 1977 deadline; new policy; Mr. Legro.
3:15 to 3:45 p.m.	Municipal operations; national program strategy; manpower issues; Mr. Rhett.
3:45 to 4:30 p.m.	State comments on Nonagenda items, States.
4:30 p.m.	Adjourn.

This meeting is open to the public, however, seating capacity of the room is limited. Any member of the public may file a written statement on any agenda item before, during, or after the meeting. Statements should be given to the executive secretary whose name and address appear below.

The Committee is developing a mailing list for those persons wishing to receive copies of the minutes and any reports that may be prepared by the Committee. To place your name on the mailing list, please call or write:

David K. Sabock, Executive Secretary, State-Federal Water Programs Advisory Committee, Office of Water and Hazardous Materials (WH 556), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC. 20460 (202) 755-0405.

Dated: October 14, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-28069 Filed 10-16-75;8:45 am]

[FRL 445-8; OPP-180038C]

WYOMING DEPARTMENT OF AGRICULTURE

Revision of Specific Exemption To Control Rabid Skunks in Campbell and Crook Counties

The Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER of September 12, 1975 (40 FR 42397), which announced the issuance of a specific exemption to the Wyoming Department of Agriculture. This exemption allowed the use of strychnine baits in defined areas of Campbell and Crook Counties for rabid skunk control. The amount of strychnine alkaloid or strychnine sulfate used in the program was not to exceed six (6) ounces; the maximum number of strychnine baits per three mile radius of confirmed rabid skunks was to be 500. In addition to other restrictions, the accepted rabid skunk control program stipulated that treatment would be completed in each county within a 45-day period.

On September 15, the Wyoming Department of Agriculture contacted the Registration Division, Office of Pesticide Programs, EPA, and requested that EPA remove the 45-day restriction for both counties, due to additional confirmed cases of rabid skunks in Campbell County alone. It should be noted that Wyoming did not request an extension of the exemption period, only a modification of the terms of the treatment period.

After reviewing the request and other available information, EPA has decided to grant this revision in order that Wyoming may adequately complete treatment of Campbell and Crook Counties. EPA emphasizes that treatment of each county will be completed no later than October 15, 1975, the specified expiration date; however, there is no limitation on the number of days required to treat a county. All other restrictions noted in the specific exemption previously granted remain in force.

Dated: October 10, 1975.

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

[FR Doc.75-28060 Filed 10-16-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Southeastern Regional Public Meeting

On Monday, September 22, 1975, the Energy Research and Development Administration published in the FEDERAL REGISTER (40 FR 43565) notice of the Southeastern Regional public meeting on the comprehensive national energy research, development and demonstration plan, *Creating Energy Choices for the Future* (ERDA-48), to be held in Atlanta, Georgia, on October 20-21, 1975, starting at 8:30 a.m. The September 22, 1975, FEDERAL REGISTER notice also set forth the purpose of the meeting and information on the procedures and other pertinent aspects of the meeting.

Notice is hereby given that the public meeting will be conducted in the Textile Auditorium on the campus of the Georgia Institute of Technology, the time for commencement of the meeting has been changed to 9:30 a.m. Dr. Joseph M. Pettit, President of the Georgia Institute of Technology, will serve as the meeting moderator. The panel for the public meeting will be composed of key ERDA regional and headquarters officials responsible for the energy production and conservation technologies described in the National Plan.

Dated at Washington, D.C., this 10th day of October, 1975.

FOR THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75-27968 Filed 10-16-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for August 1975

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for August 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR § 211.67(e), the adjusted national old oil supply ratio for August 1975 is calculated to be .3516.

The issuance of entitlements for the month of August 1975 to refiners is set forth in the Appendix to this notice. The Appendix lists the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, and the number of barrels of old oil included in each such refiner's adjusted crude oil receipts.

Pursuant to 10 CFR § 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of August 1975 at $8.31, which is the exact differential as reported for the month of August between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of August 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of August 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of August 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for August 1975 shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR § 211.67(l)(5).

The listing specifies a negative volume of old oil receipts and a negative entitlement issuance as to one refiner due to corrective adjustments to that refiner's volumes of old oil receipts and crude oil runs to stills. The total number of entitlements issued to that refiner under the listing is equal to the number of barrels of old oil shown as the negative volume less the negative entitlement issuance shown in the "issued" column.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing of entitlement issuances contained in the Appendix also reflects relief granted by FEA's Office of Exceptions and Appeals. The following refiners are not shown in the listing due to their having been exempted from the entitlement purchase requirements of the program under exception decisions or stays: Good Hope, J&W, Laketon, Midland, Navajo, OKC, Thagard and Young. The aggregate volume of old oil receipts for these firms for August 1975 was 1,850,360 barrels, which was not taken into account for purposes of making the calculations in the listing.

The total number of entitlements required to be purchased and sold under this notice is 17,851,603.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for August 1975 must be made by October 31, 1975. On or prior to November 10, 1975, each firm which is required to purchase or sell entitlements for the month of August shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of August. FEA will mail monthly transaction report forms for the month of August to reporting firms in October 1975. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by October 31, 1975 contact FEA at 202-634-7615 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to October 31, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(j).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before November 17, 1975.

Issued in Washington, D.C. on October 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

APPENDIX.—*Entitlements for allocation of old oil*

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	72,524	144,828	0	72,304
Allied	60,812	57,735	3,077	0
Amer-Petrofina	1,699,631	1,810,116	0	110,485
Amerada-Hess	2,351,557	6,202,030	0	3,850,473
Amoco	11,330,175	11,080,151	250,024	0
Apco	389,990	600,443	0	210,453
Arco	6,621,798	7,206,314	0	584,516
Arizona	36,157	17,189	18,968	0
Asamera	6,342	18,153	0	11,811
Ashland	2,540,120	3,956,113	0	1,415,993
Bay	29,154	80,918	0	51,764
Bayou	24,507	40,515	0	16,008
Beacon	314,203	179,817	134,386	0
C&H	1,969	1,068	901	0
Calumet	0	16,655	0	16,655
Canal	67,434	53,077	14,357	0
Caribou	92,472	92,578	0	106
Champlin	2,135,188	1,519,100	616,088	0
Charter	1,106,563	1,036,564	69,999	0
Citgo	4,093,009	2,630,793	1,462,216	0
Claiborne	[1] −91,820	[2] −74,754	0	17,066
Clark	519,339	1,168,671	0	649,332
Coastal	715,980	1,071,270	0	355,290
Conoco	3,794,371	3,434,273	330,098	0
Coreo	0	1,088,901	0	1,088,901
Cra-Farmland	660,281	697,612	0	37,331
Cross	7,705	4,980	2,725	0
Crown	610,926	938,321	0	327,395
Crystal-Oil	139,808	179,960	0	40,152
Crystal-Ref	311	23,924	0	23,613
Delta	425,004	418,278	6,726	0
Diamond	471,460	597,786	0	125,726
Dorchester	1,385	12,710	0	11,325
Eddy	41,689	39,813	1,876	0
Edgington-Oil	391,952	268,628	133,324	0
Edgington-Oxn	9,949	16,942	0	6,993
Evangeline	28,999	20,499	8,500	0
Exxon	14,445,313	12,697,875	1,747,438	0
Famariss	411,990	382,095	29,895	0
Farmers-Un	349,025	427,574	0	78,549
Fletcher	386,669	350,286	36,383	0
Flint	11,447	9,519	1,928	0
Gary	812	84,768	0	83,956
Getty	297,132	256,420	40,712	0
Giant	26,588	36,909	0	10,321
Gladieux	80,327	120,638	0	40,311
Golden-Eagle	53,449	123,628	0	70,179
Guam	0	304,713	0	304,713
Gulf	11,537,447	8,872,860	2,664,587	0
Gulf-Sts	29,303	32,980	0	3,677
Hlri	0	613,592	0	613,592
Howell	848,452	380,430	468,022	0
Hunt	483,296	321,879	161,417	0
Husky	548,868	562,189	0	13,321
Indiana-Farm	118,862	243,049	0	124,187
Kentucky	1,667	5,095	0	3,428
Kerr-McGee	2,283,440	1,716,744	566,696	0
Koch	586,528	1,338,355	0	751,827
Lagloria	434,640	299,668	134,972	0
Lakeside	8,083	35,606	0	27,523
Little-Amer	309,406	239,473	69,933	0
MacMillan	150,391	168,806	0	18,415
Marathon	3,759,121	3,328,327	430,794	0
Marion	65,986	258,401	0	192,415
Mid-Amer	7,835	36,790	0	28,955
Mid-Tex	0	20,022	0	20,022

APPENDIX.—*Entitlements for allocation of old oil*—Continued

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Mobil	8,683,713	8,604,019	79,694	0
Mohawk	575,842	601,189	0	25,347
Monsanto	441,931	365,813	76,018	0
Morrison	4,262	7,347	0	3,085
Mountaineer	2,673	5,122	0	3,049
Murphy	929,153	1,089,429	0	160,276
N-Amer-Petro	0	94,355	0	94,355
Natl-Coop	546,336	674,155	0	127,799
Newhall	130,672	136,632	0	5,960
Northland	78,941	67,983	10,958	0
Oil-Shale	1,064,515	999,068	85,447	0
Pasco	894,492	838,568	56,224	0
Pennzoil	600,530	579,705	20,825	0
Phillips	3,391,136	4,155,845	0	764,709
Pioneer	16,895	29,817	0	12,922
Plarid	452,406	355,155	97,251	0
Plateau	134,317	94,659	39,658	0
Powerine	603,346	424,987	178,359	0
Pride	143,686	272,187	0	128,501
Quaker-St	8,854	262,230	0	253,376
Road-Oil	0	4,105	0	4,105
Rock-Island	470,624	449,911	20,713	0
Saber-Tex	43,189	111,683	0	68,494
Sabre-Cal	0	15,055	0	15,055
Sage-Creek	846	3,171	0	2,325
San-Joaquin	122,748	127,957	0	5,209
Seminole	0	45,139	0	45,139
Shell	14,248,867	10,513,456	3,735,411	0
Sigmor	6,594	4,706	1,888	0
Skelly	791,921	874,268	0	82,347
So-Hampton	104,229	111,466	0	7,237
Socal	9,189,000	10,575,169	0	1,386,169
Sohio	2,588,701	4,486,286	0	1,897,585
Somerset	670	41,073	0	40,403
Sound	61,625	47,573	14,052	0
Southland	313,009	299,105	43,904	0
Sunland	66,877	115,014	0	48,137
Sunoco	6,560,849	4,806,880	1,753,969	0
Tenneco	1,120,753	1,184,682	0	63,929
Tesoro	1,077,378	668,689	408,689	0
Texaco	11,979,383	11,795,724	183,659	0
Texas-Asph	335	1,131	0	796
Texas-City	930,473	849,889	80,584	0
The-Refinery	79,227	183,430	0	104,203
Thriftway	13,982	61,584	0	47,602
Thunderbird	86,670	172,294	0	86,224
Tonkawa	26,396	50,523	0	24,127
Total-Leonard	144,818	481,300	0	336,482
Union-Oil	6,355,812	4,885,160	1,470,652	0
Union-Texas	144,275	116,170	28,105	0
Untd-Ind	1,896	1,690	206	0
Untd-Ref	140,245	432,795	0	292,550
Us-Oil	77,921	137,872	0	59,951
Vickers	317,748	392,857	0	75,109
Vulcan	0	35,366	0	35,366
Warrior	63,636	53,099	10,537	0
West-Coast	60,307	33,462	26,845	0
Western	31,865	60,917	0	29,052
Wickett	15,049	15,114	0	65
Winston	54,776	157,508	0	102,732
Wireback	0	1,710	0	1,710
Witco	197,308	155,575	41,823	0
Yetter	0	948	0	948
Total	154,109,533	154,109,533	17,851,603	17,851,603

[1] Reflects a correction for excessive old oil receipts reported for prior months.
[2] Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.

[FR Doc.75-27879 Filed 10-10-75;4:44 pm]

CONSTRUCTION ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given of a revision to the Charter of the Construction Advisory Committee. The Charter was published in the August 21, 1974, issue of the FEDERAL REGISTER (39 FR 30195).

The amendment will revise the Charter to provide for the establishment of subcommittees to the Committee. No other changes are being made in the Charter.

The Charter published August 21, 1974, is hereby amended, effective immediately; the revised Charter is published below.

Issued at Washington, D.C. on October 14, 1975.

FRANK G. ZARB,
Administrator.

CONSTRUCTION ADVISORY COMMITTEE CHARTER

A. ESTABLISHMENT

The Administrator, Federal Energy Administration (FEA) having determined after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to deal with matters related to construction is in the public interest in connection with duties imposed on the Federal Energy Administration by law, hereby establishes the Construction Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. DUTIES, FUNCTIONS, AND ADMINISTRATIVE PROVISIONS

1. *Objectives and Scope.* The objectives of the Construction Advisory Committee are to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

2. *Committee Tenure.* In view of the goals and purposes of the Committee, it will be expected to continue for the duration of the FEA.

3. *Official to Whom Committee Reports.* The Committee will report to the Administrator, FEA.

4. *Support Services.* Support for the Committee will be furnished by the Federal Energy Administration.

5. *Committee Duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

6. *Estimated Annual Operating Costs.* The estimated annual operating costs for the Committee are $20,000.00 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination Date.* The Committee will terminate on June 30, 1976, or if the Federal Energy Administration Act of 1974 is amended to extend the duration of FEA beyond that date, the Committee will terminate on such later date or 2 years from the date of the original charter (August 16, 1974), whichever occurs earlier.

9. *Subcommittees.* The Construction Advisory Committee shall have five subcommittees as follows:

a. Energy Conservation Subcommittee.

b. Oil and Gas Regulation Subcommittee.

c. Construction Labor Availability Subcommittee.

d. Construction Material Availability Subcommittee.

e. Central Clearing House for Construction Projects Subcommittee.

The objective of each Subcommittee is to make recommendations to the parent Committee with respect to matters concerning construction aspects of FEA policies and programs falling within the interests of the particular Subcommittee.

Each Subcommittee shall be comprised of such members of the parent Committee, as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-8.

Dated: October 14, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-27963 Filed 10-14-75;11:27 am]

NORTHEAST ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Northeast Advisory Committee will meet Wednesday, November 5, 1975, at 10:00 a.m., 20th Floor Conference Room, JFK Federal Building, Government Center, Cambridge Street, Boston, Massachusetts.

The Committee was established to provide advice to the Federal Energy Administration regarding the interests and problems of this area of the country as they relate to FEA policies and programs.

The agenda for the meeting is as follows:

1. Middle Distillate Fuels.
2. Residual Fuels.

The meeting is open to the public. The Chairman of the Committee is empow-

ered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 14, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-27987 Filed 10-14-75;11:55 am]

STATE REGULATORY ADVISORY COMMITTEE

Notice of Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the State Regulatory Advisory Committee. The Charter was published in the August 21, 1974, issue of the Federal Register (39 FR 30198).

This amendment will revise the Charter to provide for the establishment of a subcommittee to the Committee. Specifically, the Charter published August 21, 1974, is hereby amended by adding a new Section B(9), to read as follows:

9. *Subcommittees*—The State Regulatory Advisory Committee shall have one subcommittee as follows:

a. The Executive Subcommittee.

The objective of this Subcommittee is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of state regulatory commissions.

The Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittee shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately. Issued at Washington, D.C., on October 14, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-28026 Filed 10-14-75;3:31 pm]

FEDERAL MARITIME COMMISSION

[Docket No. 75-41]

COMMON CARRIERS BY WATER

Filing of Mail Rates; Petition for Declaratory Order and Application for Exemption

OCTOBER 10, 1975.

Notice is hereby given that counsel for various conferences of common carriers by water operating in the foreign commerce of the United States have petitioned for a declaratory order of the Commission. Petitioners seek a declaratory order to the effect that the Shipping Act, 1916 does not require the filing with the Commission of rates and charges for mail transported by water to and from the United States and foreign countries. Petitioner seeks in the alternative an order under section 35 of the Shipping Act, 1916 granting an exemption applicable to all conferences and common carriers by water from the requirement of filing mail rates with the Federal Maritime Commission.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L St., N.W., Room 11409; or may inspect the petition at the Field Offices located at New York N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such petition including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 10, 1975. Any person desiring a hearing on the petition shall provide a clear and concise statement of the matters upon which they desire to adduce evidence.

A copy of any such statement should also be forwarded to the party filing the petition (Mr. Stanley O. Sher, Billig Sher & Jones, 1126 16th St., N.W., Washington, D.C. 20036 and Mr. Howard A. Levy, Suite 727, 17 Battery Place, New York, New York 10004).

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28039 Filed 10-16-75;8:45 am]

KOREA SHIPPING CORP. AND ORIENT OVERSEAS CONTAINER LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Brauner Baron Rosenzweig & Kligler, 120 Broadway, New York, New York 10005.

Agreement 10186 would permit the Korea Shipping Corporation to charter from Orient Overseas Container Line, Inc. sufficient space in the latter line's vessels to accommodate a minimum of 150 and a maximum of 300 forty foot containers per month for a minimum term of five years. This arrangement will permit the Korea Shipping Corporation to inaugurate container services between the Republic of Korea, the Republic of China, Hong Kong, Japan (including Okinawa), Thailand, Singapore, Indonesia, and the Philippines and the United States.

By Order of the Federal Maritime Commission.

Dated: October 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28038 Filed 10-16-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-95, etc.]

"SMALL PRODUCER" CERTIFICATES [1]

Applications

OCTOBER 8, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 31, 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 be-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

come parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS72-95	Sept. 15, 1975	[1] J. P. Owen & Co., Inc., P.O. Box 51144, Oil Center Station, Lafayette, La. 70501.
CS76-139	Sept. 18, 1975	M H & M Joint Venture, 642 Bank of Oklahoma Bldg., Tulsa, Okla. 74103.
CS76-140	do	Theodore G. Glass, P.O. Box 603, Mount Vernon, Ill. 62864.
CS76-141	do	L. V. Bell, d.b.a. Bell Oil Co., 300 North 135th West, Wichita, Kans. 67235.
CS76-142	do	John H. McCarter, Jr., 2012 University Ave., Monroe, La. 71201.
CS76-143	do	BCS Natural Resources Corp., 1303 Avocado No. 245, Newport Beach, Calif. 92660.
CS76-145	Sept. 19, 1975	Booth Coal Co., Inc., P.O. Box 310, Kenova, W. Va. 25530.
CS76-146	do	B. P. Huddleston, 1219 Americana Bldg., Houston, Tex. 77002.
CS76-147	do	B. P. Huddleston & Co., Inc.
CS76-148	do	William E. Henderson, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-149	do	Hartford H. Prewett, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-150	do	Leonard B. Rosenberg, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-151	do	Wayne G. Dotson, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-152	do	W. C. DeArman, 1021 Neils Esperson Bldg., Houston, Tex. 77002.
CS76-153	do	Wm. G. Ross, P.O. Box 88, Midland, Tex. 79701.

[1] Petition to amend to substitute J. P. Owen & Co., Inc., in lieu of Owen Oil Co., Inc., as certificate holder.

[FR Doc.75-27955 Filed 10-16-75;8:45 am]

[Docket No. CP76-85]

ALGONQUIN GAS TRANSMISSION CO., ET AL.

Petition for a Declaratory Order

OCTOBER 8, 1975.

Take notice that on September 30, 1975, Boston Gas Company (Boston Gas), 144 McBride Street, Boston, Massachusetts 02130, and The Brooklyn Union Gas Company (Brooklyn Union), 195 Montague Street, Brooklyn, New York 11201, collectively Petitioners, filed in Docket No. CP76-85 pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure a joint petition for a declaratory order of the Commission waiving or disclaiming its jurisdiction over the operations of Boston Gas and Brooklyn Union in connection with a limited-term exchange of natural gas involving Petitioners, Algonquin Gas Transmission Company (Algonquin), Texas Eastern Transmission Corporation (Texas Eastern), and Distrigas of Massachusetts Corporation (DOMAC), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

As set forth in the application of Algonquin and Texas Eastern in the subject docket,[1] Brooklyn Union, a customer of Texas Eastern, proposes to purchase from DOMAC vaporized liquefied natural gas (LNG) in an amount approximating 2.4 trillion Btu. In order to implement such sale Boston Gas would release volumes of gas to its supplier Algonquin. Algonquin would, by displacement, transport and deliver equivalent volumes of gas to Texas Eastern; and Texas Eastern would, by displacement, transport and deliver equivalent volumes of gas to Brooklyn Union.

Petitioners state that neither of them will be engaged in the transportation of natural gas in interstate commerce or in the sale in interstate commerce of natural gas for resale as a result of the gas exchanges proposed in this proceeding. Rather, Petitioners claim, on approval of the application in the subject docket they will be engaged in the local distribution of gas at retail which is exempt from the jurisdiction of the Commission under Section 1(b) of the Natural Gas Act, and they will, therefore, be subject to their respective state's regulation.

In support of their claim Petitioners allege that (1) they are both presently exempt under Section 1(c) of the Natural Gas Act from the provisions of the Act and the orders, rules and regulations of the Commission, (2) title to and possession of all gas received by Brooklyn Union under the proposed gas exchange will pass at existing Texas Eastern delivery points within the City of New York, (3) Boston Gas will neither sell gas in interstate commerce for resale nor transport gas in interstate commerce, and (4) the compensation paid to Boston Gas for its displacement or exchange services by Brooklyn Union is designed to reimburse Boston Gas for revenue losses resulting from distribution of vaporized LNG with a higher Btu content than the gas which would otherwise be delivered to Boston Gas by Algonquin.

However, Petitioners state that the Commission's decisions in Opinion Nos. 735 and 735-A, Marathon Oil Company, *et al.*, Docket No. CI74-537, *et al.*, issued June 23, 1975, and August 19, 1975, respectively, have created some doubt in cases involving the interstate sale of LNG as to the jurisdictional status of distributor purchasers otherwise exempt under Section 1(c) of the Natural Gas Act. To remove any uncertainty which may be created by the gas exchange proposal in the instant docket, and without conceding that their exempt status would be affected by their participation in such gas exchange, Petitioners request a Commission order waiving or disclaiming jurisdiction over Petitioners solely for this limited-term transaction. Petitioners state that they recognize that any waiver or disclaimer granted would be confined to this limited-term proposal and could not be considered to be binding in other or future proceedings.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 5, 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[1] Notice of the application was published in the FEDERAL REGISTER on October —, 1975 (40 FR ——).

[FR Doc.75-27912 Filed 10-16-75;8:45 am]

[Docket Nos. ER76-126, ER76-137, E-7775]

APPALACHIAN POWER CO.

Order Accepting for Filing, Suspending, Consolidating Proceedings, Denying Request for Waiver and Granting Request for Incorporation by Reference

OCTOBER 9, 1975.

On September 9, 1975, Appalachian Power Company (Appalachian) tendered for filing two (2) Supplements to Appalachian's FPC Rate Schedule No. 26 for the City of Danville, Virginia (Danville) (Docket No. ER76-126). On September 18, 1975, Appalachian tendered for filing two (2) similar supplements to its FPC Rate Schedule No. 30 for the City of Salem, Virginia (Salem) (Docket No. ER76-137). The first supplement for each city incorporates Appalachian's "Rate Schedule WS" which is presently the subject of proceedings in Docket E-7775; the second two supplements would replace the fuel adjustment clause of Rate Schedule WS by a filing identical with that made in Docket No. ER76-24.

Appalachian requested a waiver of the 30 day notice requirement so that the proposed rate could go into effect for Danville on September 16, 1975, upon the expiration of its fixed-rate contract on September 15, 1975. The requested effective date of the Salem rate supplement is October 20, 1975 upon the expiration of its fixed-rate contract on October 19, 1975.

Appalachian states it has tendered these filings in order to place Danville and Salem on the same rate schedule which applies to those of Appalachian's other wholesale customers and which are presently subject to proceedings in Docket E–7775. Rate increases for the Cities of Danville and Salem were held to be barred under *Mobile-Sierra* upon a finding that their contracts were fixed-rate contracts which could not be unilaterally amended in Commission orders issued on December 15, 1972 and March 27, 1973. Since those contracts will expire by the requested effective dates, (pursuant to notice given on September 13, 1973 to Danville and on September 17, 1973 to Salem), Appalachian now seeks the rate change formerly prohibited by the contract terms.

Notice of the tendered filings was issued on September 24, 1975 for Danville and on September 26, 1975 for Salem. Comments are due on October 1, 1975 for Danville and on October 8, 1975 for Salem.

Our review of Appalachian's filings and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we accept the tendered filings but shall suspend the proposed changes for one day. The proposed rate for Salem will therefore become effective on October 20, 1975 as requested, subject to refund.

Section 205(d) of the Federal Power Act requires that notice of all rate changes be filed with the Commission thirty days before the proposed effective date. Since Appalachian has advanced no adequate justification for its request of a waiver of the notice requirement, we deny the request. The proposed rate for Danville will therefore become effective, subject to refund, on October 10, 1975.

Since the rates proposed by Appalachian for Danville and Salem are the same as those which are the subject of Docket No. E–7775, administrative efficiency and convenience dictate that Dockets ER76–126 and ER76–137 be consolidated with Docket No. E–7775.

Pursuant to such consolidation order, Appalachian will be required to supply all information necessary regarding Danville and Salem which is required for the E–7775 proceeding by Commission Order of August 15, 1975.

As requested by Appalachian, we shall order that the comparative billing analysis contained in the cost-of-service study dated June 20, 1975, and filed by Appalachian in Docket Nos. E–7775 and E–9101, be deemed to have been incorporated by reference in the present filings.

The Commission finds: (1) The proposed rate increases tendered by Appalachian Power Company in Dockets No. ER76–126 and ER76–137 should be accepted for filing as hereinafter conditioned and suspended as hereinafter provided, and should be consolidated with Docket No. E–7775 for administrative convenience and efficiency.

(2) Good cause does not exist to waive the filing requirements of Section 205(d) of the Federal Power Act as to Docket No. ER76–126.

(3) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E–7775 and E–9101 should be deemed incorporated by reference in the filings herein.

The Commission orders: (A) The rate increases tendered in Dockets No. ER76–126 and ER76–137 are hereby accepted for filing and suspended for one day to become effective October 10, 1975 and October 20, 1975, respectively, subject to refund, and subject to the further informational requirements of Docket No. E–7775, with which they are hereby consolidated.

(B) Appalachian's request for waiver of the notice requirements of Section 205(d) of the Federal Power Act with respect to Docket No. ER76–126 is hereby denied.

(C) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E–7775 and E–9101 is hereby deemed incorporated by reference in the filings herein.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27932 Filed 10–16–75;8:45 am]

[Docket Nos. RP74–61, PGA75–3]

ARKANSAS LOUISIANA GAS CO.

Notice of Settlement Proposal

OCTOBER 8, 1975.

Take notice that on September 23, 1975, Arkansas Louisiana Gas Company (Arkla) filed with the Commission for its consideration a proposed settlement agreement in the above-designated proceeding. The settlement agreement, if approved, would resolve all issues in this proceeding.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments should be submitted on or before October 20, 1975. Copies of the settlement agreement are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27913 Filed 10–16–75;8:45 am]

[Docket No. E–8250]

ARKANSAS POWER AND LIGHT CO.

Further Extension of Procedural Dates

OCTOBER 8, 1975.

On September 30, 1975, the Conway Corporation, Benton Municipal Light and Water Works, Hope Water & Light Commission, City of North Little Rock, City of West Memphis, Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc. jointly filed a motion to extend the procedural dates fixed by order issued May 16, 1975, as most recently modified by notice issued July 31, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, October 22, 1975.
Service of Company Rebuttal, December 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27914 Filed 10–16–75;8:45 am]

[Docket No. ER76–157]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Superseding Rate Schedule and Service Agreement

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Cambridge Electric Light Company (Cambridge) tendered for filing a rate schedule, as well as an unexecuted service agreement providing for service thereunder, governing its wholesale electric service to the Town of Belmont, Massachusetts (Belmont). The tendered filing, which supersedes its Rate Schedule FPC No. 26 and Supplement No. 1 thereto, is made pursuant to Section 35.13 of the Commission's Regulations under the Federal Power Act. Cambridge states that the aforesaid Rate Schedule FPC No. 26 presently on file has been revised by a settlement agreement approved by the Commission's Order issued September 22, 1975 in Docket Nos. E–8445 and E–8949. Pursuant to the latter order, Cambridge intends to file, on or before October 22, 1975, a revised Rate Schedule FPC No. 26 to be effective October 1, 1975 as well as an executed service agreement thereunder on or before October 22, 1975. When made effective, the rate schedule here tendered will supersede the revised Rate Schedule FPC No. 26 and will increase annual revenue from Belmont by $200,396.81 based upon the twelve months ending June 30, 1975.

The proposed effective date of the tendered rate schedule is November 1, 1975. Cambridge requests, however, that its effectiveness be suspended until April 1, 1976 in accordance with the moratorium provision contained in Article V of the aforementioned settlement agreement approved by the Commission.

By the tendered superseding rate schedule, Cambridge proposes the following changes in its Rate Schedule FPC No. 26 as revised and to be filed pursuant to the Commission's aforementioned settlement approval order:

(1) An increase in demand charge from $5.21 per KVA to $5.35 per KVA.
(2) An increase in energy charge from $0.0105 per KWH to $0.0205 per KWH.

(3) A revision in the Fuel Cost Adjustment clause in compliance with Commission Order No. 517.

Cambridge states that the proposed increase in rate level is necessary because of increased operating expenses and capital costs caused by continuing inflationary conditions in the economy. This has resulted in serious erosion in Cambridge's earnings which impairs its ability to finance capital requirements essential for maintenance of adequate customer service. This is demonstrated by the fact that its revised Rate Schedule FPC No. 26 yields an overall rate of return of only 3.31%, resulting in a negative equity allowance of 0.64%, based upon the twelve months ending June 30, 1975. Based upon the same twelve month period, Cambridge states that the proposed increased rate will yield an overall return of 7.78% and an equity allowance of 8.00%.

Copies of the tendered filing have been served by Cambridge upon the Town of Belmont and the Massachusetts Department of Public Utilities.

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 24, 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.75-27915 Filed 10-16-75;8:45 am]

[Docket No. CP76-110]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 29, 1975, Cities Service Gas Company P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-110 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction during the calendar year 1976, and operation of gas sales and transportation facilities for miscellaneous rearrangements, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in making unspcified minor rearrangements of gas sales and transportation facilities. It is stated that the proposed rearrangements would not result in any change in service rendered or the volumes of natural gas authorized to be sold or delivered by Applicant.

Applicant states that the proposed projects would not cost in excess of $300,000, which cost would be borne from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 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.75-27916 Filed 10-16-75;8:45 am]

[Docket No. CP76-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-103 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, during the calendar year 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000, nor would the cost of any single project exceed $500,000. Applicant states that the funds necessary for the proposed construction would be supplied from current working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 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 and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27933 Filed 10-16-75;8:45 am]

[Docket Nos. RP74-81, RP74-82]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Extension of Time

OCTOBER 7, 1975.

On October 3, 1975, Staff Counsel filed a motion to extend the date for filing initial and reply comments on the pro-

posed Stipulation and Agreement certified to the Commission on August 21, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing initial comments in the above matter is extended from October 3, 1975, to October 10, 1975. The date for filing reply comments is extended from October 24, 1975 to October 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27906 Filed 10-16-75;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Further Extension of Procedural Dates

OCTOBER 7, 1975.

On September 23, 1975, The Cities of Batavia, Geneva, Naperville, St. Charles, Rochelle, and Rock Falls, Illinois filed a motion to extend the date to file intervenors' testimony fixed by order issued October 29, 1974, as most recently modified by notice issued August 28, 1975, in the above-designated proceeding. On September 29, 1975, Commonwealth Edison Company filed a response opposing the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, October 28, 1975.
Service of Company Rebuttal, December 8, 1975.
Hearing, December 18, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27907 Filed 10-16-75;8:45 am]

[Docket No. G-18671]

DORCHESTER GAS PRODUCING CO.

Notice of Certification of Proposed Settlement Agreement

OCTOBER 8, 1975.

Take notice that on September 19, 1975, the Presiding Administrative Law Judge certified to the Commission a settlement proposal in the above referenced docket. The settlement proposal, in substance, seeks Commission approval of an exploration fund agreement funded by monies now held in trust to defray Dorchester's obligation to pay refunds to Northern. The record of the proceeding was also certified for the Commission's use in reviewing the settlement proposal. The settlement proposal would resolve all outstanding issues.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 28, 1975. Replies to comments are due on or before November 4, 1975. Comments and replies to comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27917 Filed 10-16-75;8:45 am]

[Docket No. CP76-99]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 23, 1975, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP76-99 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, liquefaction and storage of natural gas for UGI Corporation—Gas Utilities Division (UGI), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to receive up to 23,000 Mcf of gas per day and up to a total of 450,000 Mcf of gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), prior to October 31, 1975, for the account of UGI. Applicant states that it would transport the part of those volumes to Chattanooga Gas Company (Chattanooga) for liquefaction and would liquefy the remainder itself. Applicant proposes then to have transported such volumes of liquefied natural gas (LNG) from its own liquefaction facility and the liquefaction facility of Chattanooga to Applicant's LNG storage facility near Kingsport, Tennessee. Applicant states that it would deliver to UGI in the period of November 1, 1977, through March 31, 1976, up to 336,611 Mcf of LNG to UGI at Kingsport, Tennessee. The difference between the volume received and volumes redelivered would be accounted for as liquefaction, truck transportation and storage losses. The redelivery would be to cryogenic trucks that UGI would provide. Applicant would only provide such service to UGI when in Applicant's opinion Applicant has enough LNG to meet the needs of its own customers' 1975–1976 supplemental winter service requirements so that such service proposed for UGI would have no effect on Applicant's service to such customers.

Applicant is said to anticipate an excess capacity of storage volume in its Kingsport LNG storage facility; and UGI, which is said to have a summer period surplus of approximately 2 million Mcf, is expecting its deliveries to be curtailed by its principal supplier, Columbia Tas Transmission Corporation in the winter period. The proposed service would be used to reduce the winter curtailment that is presently projected for UGI and is proposed for the winter period of 1975–1976 only.

Applicant proposes to charge UGI $3.26 per Mcf of LNG stored, or $3.48 per Mcf of LNG stored if the LNG is delivered to Applicant on a Sunday or holiday, which rate is said to reflect:

Service	Volume[1]	Rate	Charge
Maximum delivery quantity transported by applicant from Lobelville to Chattanooga	450,000	$0.18	$81,000.00
Liquefaction by Chattanooga Gas Co	351,222	.95	333,660.90
Truck carriage by Gas Inc. from Chattanooga to applicant's LNG facility	351,222	[2].67	235,318.74
Maximum liquid quantity stored by applicant	336,611	1.33	447,692.63
Total			1,097,672.27

[1] The volumes shown in the rate calculations are said to assume the maximum volumes specified in the contract.
[2] Gas Inc.'s truck carriage charge for Sundays and holidays would be $0.89/M ft³.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 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.75-27918 Filed 10-16-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Correction

SEPTEMBER 17, 1975.

In the Order Accepting for Filing and Suspending in Part Proposed Tariff Sheets, Subject to Condition, Denying Waiver, Granting Interventions, and Establishing Procedures, issued August 14, 1975 and Published in the FEDERAL REGISTER on August 25, 1975, 40 FR Page 37087, please change "Tennessee's" in Ordering Paragraph (D) at page 37088 to "East Tennessee's".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27951 Filed 10-16-75;8:45 am]

[Docket No. CP76-89]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 17, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1642, El Paso, Texas 79978, filed in Docket No. CP76-89 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of storage facilities associated with Applicant's Rhodes Reservoir Storage Project necessary for the injection of gas into and the withdrawal of gas from such reservoir on a permanent basis, the transportation and sale of gas withdrawn from Rhodes Reservoir to Applicant's east-of-California customers to prevent curtailment of Priority 1 and 2 requirements customers, and the transportation and sale of gas withdrawn from the Rhodes Reservoir to Southern California Gas Company (SoCal) to make up for equivalent volumes which would be diverted from SoCal to protect service to Applicant's east-of-California high priority requirements customers pursuant to special operating procedures which are the subject of Applicant's pending application in Docket No. CP75-360, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by orders issued August 7, 1973, and October 10, 1973, in Docket No. CP73-334 the Commission issued Applicant a certificate of public convenience and necessity authorizing, *inter alia*, the construction and operation of certain facilities on its interstate system required for the reactivation and the injection into and withdrawal of gas from the Rhodes Reservoir, an underground natural gas storage area located in Lea County, New Mexico. Applicant alleges that reactivation of Rhodes Reservoir was thereupon initiated for protection of Applicant's east-of-California Priority 1 and 2 requirements customers during the 1973-74 heating season. The principal facilities utilized for Rhodes Reservoir storage operations are said to consist of 35 injection/withdrawal wells, with appurtenances, a total of 23.1 miles of small diameter pipeline, and 4,400 compressor horsepower and dehydration plant facilities. Subsequent authorizations issued to Applicant in Docket No. CP73-334 are said to provide for interim arrangements which have enabled Applicant to utilize the Rhodes Reservoir for the storage of natural gas up to a total storage inventory of 25,866,000 Mcf, including approximately 11,300,000 Mcf of working gas, with a maximum deliverability of not less than 100,000 Mcf per day.

Applicant states that since October 30, 1972, it has continued to experience such a gas supply deficiency as to result in extensive and essentially continuous curtailment of its customers' requirements for firm gas service. It is alleged that Applicant has been unable to acquire sufficient sources of gas supply to offset the decline in deliverability from dedicated gas sources and that this deterioration will cause Applicant to experience increasing difficulty in meeting its system's Priority 1 and 2 requirements. Applicant predicts that approximately the following volumes would occur as deficiencies for Priority 1 and 2 east-of-California customers if the Rhodes Reservoir is not operated as proposed:

[In 1,000 ft³]

1975-76	1976-77	1977-78
2,715,000	6,330,000	12,756,000

Applicant states that it would however, have gas for sale to Priority 3, 4, and 5 requirements customers system-wide from time-to-time and that the instant proposal and that in Docket No. CP75-360 are designed to conserve and utilize subsequently, to the maximum extent possible, the availability of these supplies for the protection of its east-of-California customers' Priority 1 and 2 requirements. Applicant would rely on the Rhodes Reservoir to the extent possible in order to accumulate the maximum quantity of gas authorized under special operating arrangements with Pacific Gas and Electric Company for retention and future use under such arrangements. Applicant proposes to withdraw gas from the Rhodes Reservoir as necessary to make up for those reductions in otherwise authorized deliveries to SoCal under the further special operating arrangements as are required to augment Applicant's supply available for service to the Priority 1 and 2 requirements of its east-of-California customers on those days during the 1975-76 and 1976-77 heating seasons when additional deliverability provided by Rhodes Reservoir is insufficient to protect fully such service. Such make-up deliveries to SoCal would only be made from Rhodes Reservoir in the event there are insufficient quantities of Priority 3, 4 and 5 gas available from Applicant's east-of-California customers for such make up deliveries.

The volumes of gas to be utilized for injection into Rhodes Reservoir are proposed to be classified as Priority 2 requirement under Applicant's applicable curtailment plan. Applicant's billings to its east-of-California customers for each month in a heating season would include a surcharge to compensate Applicant for its costs in providing protection of service to those customers' Priority 1 and 2 requirements through operation of the Rhodes Reservoir. Such surcharge has been determined as reflected by Applicant in its notice of rate change filed in Docket No. RP75-39. The monthly billing surcharge under the permanent operations of Rhodes Reservoir would be 0.68 cents per Mcf applied to the Priority 1 and 2 requirements of each east-of-California customer during each heating season month, November through April. The surcharge is said to be designed to recover the cost incurred by Applicant in providing the Rhodes Reservoir storage service now proposed on a permanent basis and would be collected from those customers who will be the beneficiaries of the proposed service.

Applicant alleges that the proposed permanent operation of the Rhodes Reservoir would provide permanent storage capacity for over 11 million Mcf of working gas, and would have a deliverability at its peak of not less than 100,000 Mcf of gas per day for use in protecting the Priority 1 and 2 requirements of Applicant's east-of-California customers. The Rhodes Reservoir is said to be the only storage facility available to Applicant which is under its direct operational control and would make efficient use of existing natural gas pipeline capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 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.75-27908 Filed 10-16-75;8:45 am]

[Docket Nos. E-9521, E-9522 and E-9091]

GEORGIA POWER CO.

Correction

SEPTEMBER 23, 1975.

Order accepting for filing and instituting investigation under section 206 of the Federal Power Act, granting request for waiver, granting interventions, and establishing procedures; Issued September 11, 1975; Published in the FEDERAL REGISTER on 9/22/75; 40 FR Page 43554.

Please include the following Attachment A.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

[Docket Nos. E-9521, E-9522, and E-9091]

GEORGIA POWER COMPANY

Designations Filed in Docket Nos. E-9521 and E-9522

Filed: August 12, 1975.
Dated: (1) & (3) June 30, 1975; (2) Undated; (4) January 6, 1975.
Effective: July 1, 1975.
Partial Requirements Tariff:
(1) FPC Electric Tariff
Original Volume No. 2
(Partial Requirements Service)
(2) Service Agreement
FPC Electric Tariff
Original Volume No. 2
(Olgethorpe Electric Membership Corporation)
Transmission Tariff:
(3) FPC Electric Tariff
Original Volume No. 3
(Transmission Service)
(4) Service Agreement Under
FPC Electric Tariff
Original Volume No. 3
(Oglethorpe EMC)
(5) Supplement No. 1 to Service Agreement Transmission Facilities and Investments
(6) Supplement No. 2 to Service Agreement Transmission Investment Responsibility
(7) Supplement No. 3 to Service Agreement Four Year Plan of Additions

Designations Superseded by (2) and (4): Service Agreements to FPC Electric Tariff Original Volume No. 1

Applicable to the Following EMC's:
Altamaha, Amicalola, Canoochee, Carroll, Central Georgia, Coastal, Cobb County Rural, Colquitt, Coweta-Fayette, Douglas County, Excelsior, Flint, Grady County, Habersham, Hart County, Irwin County, Jackson, Jefferson County, Lamar, Little Ocmulgee, Middle Georgia, Mitchell, Ocmulgee, Oconee, Okefenoke, Pataula, Planters, Rayle, Satilla Rural, Sawnee, Slash Pine, Snapping Shoals, Sumter, Three Notch, Tri-County, Troup County, Upson County, Walton, Washington County.

[FR Doc.75-27953 Filed 10-16-75;8:45 am]

[Docket No. ER76-5]

INDIANA & MICHIGAN POWER CO.

Order Accepting for Filing

OCTOBER 8, 1975.

On July 3, 1975, as completed on September 8, 1975, Indiana & Michigan Power Company (I & M Power) tendered as an initial rate filing an agreement with Indiana & Michigan Electric Company (I & M Electric), the parent company, providing for the sale of all power and associated energy from the Donald C. Cook Generating Plant.[1]

The tendered agreement provides that upon completion of construction, I & M Power will provide I & M Electric with all the power generated from the plant. In return I & M Electric will reimburse I & M Power such amounts as when added to amounts received from I & M Power from any other source, will enable I & M Power to pay all of its operating expenses plus sufficient funds to cover interest on indebtedness, required dividends on preferred stock and its return on common stock equity.[2]

I & M Power estimates that for the period from August 1, 1975, through December 1, 1975: net generation will be approximately 2,500,000 MWh, O&M expense will be $3,942,000, depreciation will be $6,667,000, and taxes other than income taxes will be $1,455,000. I & M Power estimates an interest charge of $7,901,563 for the five month period, and a return on common equity stock of $13,685,175.

I & M Power has requested the Commission to waive its notice requirements and permit the rate schedule to become effective August 23, 1975, the date upon which Unit No. 1 was placed into commercial operation.

Notice of I & M Power's initial rate filing was issued on July 15, 1975, with comments, protests and petitions to intervene due on or before July 31, 1975.

A petition to intervene was filed on behalf of certain municipal wholesale customers of I & M Electric[3] who have joined together in an association under the name of Indiana & Michigan Municipal Distributors Association (IMMDA). Petitioners contend that because of the affiliate relationship, the absence of historical cost of service figures, and the lack of any previous review of costing principles adopted by I & M Power the Commission should conduct a full investigation into the rate filing.

A petition to intervene and protest was filed by Richmond Power & Light of the City of Richmond, Indiana (Richmond) which contends that the rate of return is excessive, and that the agreement may have an impact on the American Electric Power Pool Agreement which should be inquired into. Richmond requests that the matter be set for hearing and that I & M Electric be directed to explain how the proposed transaction will be treated under the AEP Pool Agreement.

A petition to intervene, protest and request for rejection was filed on behalf of the Cities of Anderson, and Auburn, Indiana. Anderson and Auburn state that the tendered filing does not indicate either the overall rate of return to be derived by I & M Power and request therefore that the filing be rejected or, in the alternative, set for investigation.

Our review of I & M Power's filing indicates that the proposed initial rate schedule has not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory, preferential or otherwise unlawful. Accordingly we shall institute an investigation of the proposed initial rate schedule pursuant to the Commission's authority under Section 206 of the Federal Power Act and establish a hearing procedure to determine the reasonableness of I & M Power's filing. In addition to presenting testimony on the issue of rate of return and the propriety of the methodology used to compute the return on equity we shall direct I & M Power to include in its prepared testimony an explanation on how the proposed rate schedule will affect the AEP Pool Agreement.

Upon consideration of I & M Power's request for waiver of our notice requirement to permit the initial rate schedule to become effective August 23, 1975, we find such request to be appropriate and shall grant the requested waiver.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a Section 206 investigation and hearing.

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[1] The Donald C. Cook Nuclear Generating Plant consists of two 1,100 MW nuclear generating units, the first of which was placed into operation in August, 1975. I & M Power has scheduled operation of the Second unit for 1978.

[2] I & M Power and I & M Electric have agreed that the rate of return on common stock equity will be derived as follows:

(1) A monthly amount equal to the product of (I) the operating ratio and (II) the amount of any interest for such month; provided, however, that the amount so determined for any such month: (a) shall not exceed (except by reason of clause (b) below) an amount equal to the product of (I) the operating ratio and (II) .45833% of the capitalization of I & M Power at the end of such month; and (b) shall not be less than an amount equal to the product of (I) the operating ratio and (II) 1% of such common stock equity.

(2) The operating ratio referred to in (1) above shall be derived by dividing (a) the amount of electric plant in service of I & M Power, its operating materials and supplies and prepayments at the end of the month immediately preceeding such month by (b) the sum of (i) the amount determined pursuant to (a) plus (ii) the amount of construction work in progress of I & M Power at the end of such immediately preceeding month.

[3] The municipalities of Avilla Bluffton, Columbia City, Frankton, Garrett, Gas City, Mashawaka, New Carlisle, and Warren, Indiana, and the municipalities of Niles, South Haven and Sturgis, Michigan.

(2) Good cause exists to grant the requested waiver of the notice requirements in the Commission's Rules and Regulations in order that an effective date of August 23, 1975 be established.

(3) Good cause does not exist to grant Anderson and Auburn's Motion to reject I & M Power's filing.

(4) Good cause does exist to grant the interventions of Anderson, Auburn, Richmond and the Cities that comprise the Indiana & Michigan Municipal Distributor Association.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a public hearing shall be held on January 13, 1976, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in I & M Power's proposed initial rate schedule.

(B) On or before November 11, 1975, company shall serve its direct testimony. On or before December 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before December 23, 1975. Any company rebuttal evidence shall be served on or before January 6, 1975.

(C) I & M Power's request of a waiver of the notice requirements set forth in the Commission's Rules and Regulations to allow an effective date of August 23, 1975 is hereby granted.

(D) Anderson and Auburn's Motion to reject I & M Power's filing is hereby denied.

(E) The petitions to intervene filed on behalf of Anderson, Auburn, Richmond and the Indiana & Michigan Municipal Distributors Association are hereby granted.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in Section 2.59 of the Commission's Rules of Practice and Procedure.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27920 Filed 10-16-75;8:45 am]

[Docket No. ES76-14]

IOWA PUBLIC SERVICE CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on October 2, 1975, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of up to 1,000,000 shares of Common Stock (par value $5 per share). Applicant proposes to sell the additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's regulations.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the proceeds from the issuance of the securities to reduce short-term loans incurred and to be incurred prior to the sale of the New Stock to secure funds for construction purposes and to meet expenditures for the construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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.75-27919 Filed 10-16-75;8:45 am]

[Docket No. E-9485]

KANSAS GAS & ELECTRIC CO.

Extension of Procedural Dates

OCTOBER 8, 1975.

On October 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 6, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 17, 1975.
Service of Intervenor Testimony, December 30, 1975.
Service of Applicant's Rebuttal, January 13, 1976.
Hearing, January 20, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27921 Filed 10-16-75;8:45 am]

[Docket Nos. E-9499 and E-9502]

MINNESOTA POWER AND LIGHT CO.

Order Affirming Prior Order

OCTOBER 9, 1975.

On August 4, 1975, Minnesota Power and Light Company (MP&L or the Company) filed substitute tariff sheets purporting to reflect the exclusion of Construction Work In Progress (CWIP) from rate base for applicable facilities, and to be in compliance with ordering paragraph (F) of the Commission's order issued July 18, 1975, in the above-captioned dockets.

That Order was issued in response to MP&L's filing of June 18, 1975, which proposed, *inter alia*, rate increases to seventeen municipal customers (Municipals), one privately-owned electric system customer (Superior Water, Light and Power Company, or SWL&P), two rural electric cooperative customers (Cooperatives), and its wheeling service customers (Wheeling)[1]. Paragraphs (E) and (F) of the Order provided that that portion of the Company's filing not rejected was suspended for 30 days[2] with the rates to go into effect thereafter, subject to refund, pending a hearing and decision thereon, subject to the condition that "MP&L shall be required to file, within 15 days, substitute tariff sheets which reflect the exclusion of Construction Work In Progress (CWIP) from the rate base for facilities which will not be placed into service prior to January 1, 1976."

MP&L's compliance filing of August 4, contained revised Rate Schedule 92-R, Resale Service for the Municipals and SWL&P, and an attached Rider for Standby Service, which reflects the results of excluding CWIP from the rate base, and which also reflects deletion of a previously shown addition to income which was based on interest capitalized. MP&L did not submit a revised Rate Schedule 93, Resale Service for the Cooperatives, nor did it submit a revised schedule for its Wheeling services, to reflect the exclusion of CWIP from the rate base. MP&L's August 4 filing also included revised exhibits of its case-in-chief of June 18, 1975, reflecting the total exclusion of $14,319,324 of CWIP from the rate base, and deleting from its earned income showing the $1,020,000 of allowance for funds used during construction (AFUDC). To reflect the above adjustments, MP&L reduced the proposed operating revenues by $96,273 from the Municipals and $80,650 from its subsidiary, SWL&P.

The Commission, by letter dated September 4, 1975, requested MP&L to explain its reasons for not submitting rate schedule revisions for the Cooperatives and Wheeling services. In its letter dated September 10, 1975, MP&L merely states that after exclusion of CWIP from rate

[1] See order issued July 18, 1975, in the subject dockets for list of customers and rate schedule designations.

[2] One customer's increase, Itasca-Mantrap, was suspended until September 28, 1975, due to provisions of its existing agreement.

base, the earned rates of return from these services are less than that claimed as reasonable by MP&L's witnesses in prepared testimony.

We note that our acceptance of part of MP&L's initial rate increase filing of June 18, 1975, was expressly conditioned upon the Company submitting revised sheets to reflect exclusion of CWIP in the rate base for facilities not to be placed into service prior to January 1, 1976. We note further, that MP&L's August 4, 1975, filing was deficient in its purported conformance with the conditions of our July 18 order. The Commission's letter of September 4, 1975 afforded MP&L the opportunity to correct this deficiency, yet the company failed to cure the deficiency.

MP&L in its September 10, 1975, letter alleges that revised tariff sheets are not necessary for its Cooperatives and Wheeling service for, even after excluding CWIP from the rate base, its rate of return is still justifiable by other evidence. The Supreme Court has addressed and answered this contention in *F.P.C. v. Tennessee Gas Transmission Co.*, 371 U.S. 145 (1962). The Commission, after establishing a phased hearing on that pipeline's requested rate increase, later ordered an interim refund based on its affirmance of an initial decision that the filed rate of return was excessive (24 FPC 204). The Supreme Court interpreted Section 4(e) of the Natural Gas Act, which is substantively identical in pertinent parts to Section 205(e) of the Federal Power Act, affirmed the Commission's order, and reversed a decision of the Court of Appeals (293 F. 2d 761) which expressed the arguments now advanced by MP&L. The applicability of *Tennessee* requires that MP&L must stand on the rate level as filed on June 18, 1975 and as reduced by the exclusion of CWIP. Any further increase which the company may believe just and reasonable must be tendered for filing in compliance with Section 205 of the Federal Power Act, the notice provisions thereof and the Regulations governing filing requirements thereunder. We have determined that the current rate tariff is unlawful to the extent that it reflects a rate base including CWIP, and have ordered appropriate revised tariffs.

Upon review of MP&L's September 10, 1975, letter and for the reasons stated above, we reaffirm our order of July 18, 1975, and shall herein order that within 15 days of the issuance hereof that MP&L shall be required to file, for its Municipal, Private Utilities (SWL&P), Rural Electric Cooperatives and Wheeling service customers, as specified in paragraphs (E) and (F) of our order issued July 18, 1975, substitute tariff sheets which reflect the exclusion of CWIP from the rate base for facilities that will not be placed into service prior to January 1, 1976.

The Commission finds: Good cause exists to require MP&L to comply with the terms of paragraphs (E) and (F) of our order issued July 18, 1975.

The Commission orders: (A) MP&L shall file within 15 days from the date of issuance of this order revised tariff sheets which reflect the exclusion of Construction Work In Progress in the rate base for facilities that will not be placed into service prior to January 1, 1976. This information shall be submitted for all customers affected as specified in ordering paragraphs (E) and (F) of Order issued July 18, 1975, in the subject dockets.

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

By the Commission.

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

[FR Doc.75-27934 Filed 10-16-75;8:45 am]

[Docket No. RP71-125, PGA76-1a, PGA76-2a]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Revision to PGA Filing To Track Pipeline Supplier Rate Increases

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed substitute tariff sheets:

	To be effective
Substitute 3d revised substitute, 24th revised sheet No. 5	Nov. 1, 1975.
Substitute 4th revised substitute, 24th revised sheet No. 5	Nov. 14, 1975.

On September 19, 1975 Natural filed PGA unit adjustments to become effective November 1, and November 14, 1975. The purpose of that filing was to track increases in purchased gas cost to Natural from Great Lakes Gas Transmission Company (Great Lakes), a pipeline supplier.

On September 26, 1975, Colorado Interstate Gas Company (Colorado), filed on September 26, 1975 to place into effect as of October 1, 1975 subject to refund adjusted rates in compliance with Commission order in Docket No. RP75-86. The effect of Colorado's proposed change translates to a reduction in Natural's commodity rate of 0.11¢ per Mcf.

Natural states that technically this decrease should be reflected in its rates on October 1, 1975, but in order to avoid an administrative burden to Natural's customers in filing retroactive adjustments with their regulatory agencies, Natural requested waiver of the terms of its PGA clause and the Commission's regulations to the extent necessary to permit the adjustment to be included as part of Natural's September 19 PGA filing to become effective November 1, 1975. Natural states that the approximate overcollection of $83,000 for the month of October will be passed back to their customers through the working of the Deferred Purchased Gas Cost Account.

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 21, 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 filed with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27922 Filed 10-16-75;8:45 am]

[Docket No. CP76-98]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 23, 1975, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-98 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 125,000 Mcf of natural gas per day, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they have entered into an exchange agreement dated September 15, 1975, under the terms of which Transco would deliver up to 125,000 Mcf of natural gas per day to Natural at the outlet of Mobil Oil Corporation's (Mobil) La Gloria Plant in Jim Wells County, Texas, and Natural would redeliver to Transco equivalent volumes at the outlet of Mobil's Cameron Meadows Plant in Cameron Parish, Louisiana. The exchange agreement provides that in no event would Transco deliver less than 50,000 Mcf of gas per day on any day it is entitled to receive 50,000 Mcf at the La Gloria plant. No costs or charges are said to be involved in the proposed exchange, and it is said that no new facilities would be required.

Applicants state that the proposed exchange would be beneficial to both parties because it would allow Natural to displace gas from its Louisiana pipeline where a temporary capacity limitation exists and would allow Transco to experience a net forward haul of approximately 400 miles with the attendant savings of fuel and line losses.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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 Pro-

cedure (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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27909 Filed 10-16-75;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Tariff Change

OCTOBER 9, 1975.

Take notice that New England Power Company ("NEPCO") on October 1, 1975, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume Number 1. NEPCO states that the purpose of the filing is to provide a new type of service—Contract Demand Service to those of its customers that elect to become self-standing Participants in the New England Power Pool ("NEPOOL").

NEPCO requests a November 1, 1975, effective date for this service since certain of its customers have stated their intention of joining NEPOOL at that time.

NEPCO further requests a waiver of the Commission's Regulations for providing comparative billing data inasmuch as takings under this service are not as yet quantified.

NEPCO states that the Contract Demand Service Rate is based on its presently effective Primary Service for Resale Rate R-9.

Copies of this filing were served on NEPCO's non-affiliated customers, the Service List in Docket Nos. E-9140 and E-9136 and the appropriate 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 24, 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.75-27935 Filed 10-16-75;8:45 am]

[Docket No. CP76-108]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 29, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP 76-108 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional sales measuring station to serve as a point for delivery of natural gas to Metropolitan Utilities District (MUD) serving Douglas County, Nebraska, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that MUD has requested Applicant to construct the proposed delivery point for the purpose of delivering gas for distribution in southwest Omaha and that the proposed facilities would obviate the need for MUD to extend and enlarge its existing distribution system. Deliveries at the proposed point would be provided out of MUD's presently effective contract demand volume. The proposed point of delivery is on Applicant's southwest Omaha 16-inch pipeline.

The estimated cost of the proposed facilities is stated to approximately $177,700. The total actual cost would be reimbursed by MUD.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 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.75-27936 Filed 10-16-75;8:45 am]

[Docket Nos. RP71-107 (Phase II), RP72-127, RP72-50]

NORTHERN NATURAL GAS CO. AND NORTHERN ILLINOIS GAS CO.

Motion To Withdraw Prior Commission Staff Motion and To Terminate Proceeding

OCTOBER 8, 1975.

In Docket Nos. RP71-107 (Phase II) and RP72-127, several issues were settled between Northern Natural Gas Company (Northern) and Northern Illinois Gas Company (NI Gas), while others concerning apportionment of increases in contract demand were reserved, by a Commission order issued January 4, 1974. These reserved issues are substantively identical to those issues raised by NI Gas in its complaint of October 4, 1971, Docket No. RP72-50, filed on the basis that a separate action was in order to expedite the resolution of apportionment-related issues. Because the issues in these dockets were both closely related and still pending, Staff Counsel moved to consolidate the resolution of all of these issues by its Motion to Consolidate the Proceedings of Docket Nos. RP71-107 (Phase II) and RP72-127 with Docket No. RP72-50, filed on September 17, 1975.

On October 3, 1975, NI Gas filed a Petition for permission to withdraw its Complaint, in which it stated that charged circumstances have caused Northern to desist in the practices alleged to be discriminatory in the complaint filed in Docket No. RP72-50. Because of this changed situation, NI Gas now seeks permission to withdraw this complaint, which it states would render the Commission Staff's Motion to Consolidate moot.

On October 7, 1975, Staff Counsel moved the Commission to grant the NI

Gas petition and thus to terminate the proceedings of Docket No. RP72-50. Because this action would render Staff's prior motion moot, Staff Counsel also sought permission to withdraw its Motion to Consolidate.

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 (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 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.75-27923 Filed 10-16-75;8:45 am]

[Docket No. CP76-104]

PACIFIC INTERSTATE TRANSMISSION CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 26, 1975, Pacific Interstate Transmission Company (Applicant), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP76-104 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Pacific Lighting Service Company (PLS) at the Arizona-California border, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its affiliate, Pacific Lighting Gas Development Company (PLGD) is engaged in exploration and Development of natural gas sources to alleviate the deficiency in supply of Southern California Gas Company (So Cal) brought about by curtailments in deliveries by El Paso Natural Gas Company (El Paso) and Transwestern Pipeline Company (Transwestern). It is further stated that PLGD's interest in five wells located in Texas and New Mexico is presently available for dedication to So Cal's market. PLGD is said to have available 9,700 Mcf per day presently and anticipates approximately 25,000 Mcf of gas per day will be available in 1976 from the five forementioned wells and PLDC's interest in nine wells currently being drilled. PLGD is expected by Applicant to sell all of the gas resulting from its interest in the wells to Applicant.

Applicant states that it expects to enter into a gas transportation with Transwestern for the transportation of such gas to the California-Arizona border. The gas so produced and transported would be sold by Applicant to PLS at the Arizona-California border at a proposed initial rate under Rate Schedule S-G-1 which is said to be as follows:

(1) Transportation charge based on Transwestern's Rate Schedule CDQ-1 of 2.644 cents per therm.

(2) Fixed charge of $2,500 per month.

(3) Commodity rate of 5.513 cents per therm.

(4) Purchased gas adjustment rate of 0.6 cents per therm.

Applicant states that its current average purchased gas cost is 5.513 cents per therm and that this would increase to 5.621 cents per therm on January 1, 1976. Applicant requests that the Commission approve an increase in the commodity rate for the subject sale to 5.621 cents per therm on January 1, 1976.

It is stated that PLS is engaged in the purchase, transmission and storage of gas for its affiliate SoCal. The volume of gas for which Applicant request authorization to transport is 25,000 Mcf per day, although only 9,700 Mcf per day are presently available.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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.75-27937 Filed 10-16-75;8:45 am]

[Docket Nos. RP73-108 and RP73-36 (AP75-2) (PGA75-4)]

PANHANDLE EASTERN PIPELINE CO.

Order on Petition for Rehearing and Granting Intervention

OCTOBER 9, 1975.

On September 2, 1975, the State of California and the California Public Utilities Commission (CPUC) filed a petition for rehearing of the Commission's order, dated July 31, 1975, in the above-captioned docket, wherein we accepted for filing certain revised tariff schedules of Panhandle Eastern Pipeline Company (Panhandle) to become effective August 1, 1975. The revised tariff sheets included, *inter alia*, an increase in the cost of advance payments, a portion of which was attributable to an initial advance payment made by Panhandle to the Atlantic Richfield Company (ARCO) on July 31, 1975. Said payment was made pursuant to an advance payment agreement entered into by Panhandle and ARCO on May 30, 1975, with respect to an undivided twenty percent of ARCO's working interest in proved natural gas reserves in the Prudhoe Bay field on the North Slope of Alaska.

The CPUC asserts its interest in these proceedings stems from the significance the Commission's actions with respect to Panhandle's advances to ARCO in connection with ARCO's Prudhoe Bay reserves has in two proceedings pending before the CPUC.

On August 1, 1975, in Decision No. 84729, the CPUC, approved a funding arrangement involving interest payments to Atlantic Richfield Company (ARCO) from Southern California Gas Company (SoCal), a natural gas distribution utility serving southern California, in return for the exclusive rights to negotiate for the purchase of 60% of the natural gas to be produced from ARCO's working interest from the Prudhoe Bay field on the North Slope of Alaska.[1] In Decision No. 84729, the CPUC indicated that it approved the arrangement reluctantly only after ARCO threatened to go to this Commission with an advance payment agreement for sales of the Alaskan gas to an area other than California if the CPUC failed to approve the project by August 1, 1975. The CPUC is currently conducting hearings on a proposal by Pacific Gas & Electric Company (PG&E) to make advance payments to Exxon in return for the exclusive rights to negotiate for the purchase of 30% of the natural gas to be produced from Exxon's working interest in the Prudhoe Bay field on the North Slope of Alaska.[2]

In urging the Commission's reconsideration of its approval without suspension of the advance payment by Pan-

[1] *In the Matter of the Application of Southern California Gas Company*, Application No. 55599, filed April 3, 1975.

[2] *In the Matter of Pacific Gas & Electric Company*, Application No. 55661, filed May 1, 1975.

handle to ARCO in the July 31, 1975, order in *Panhandle* in this docket, CPUC notes this Commission has disallowed interest payments by certain pipelines to Exxon in Alaska.[3]

It is correct, as the CPUC notes, that we disallowed interest payments to Exxon, as well as to other producers, because interest payments arrangements, by their very nature, show that the producer is demonstrably able to acquire capital for exploration, development, and production without help from pipelines. Accordingly, we denied these requests by the pipelines to include such payments in their rates and thus, in effect, denied their proposal to vastly expand the scope of the advance payments program at a time when serious questions were and are being raised as to the necessity for the program in its narrower form, as promulgated most recently in Order No. 499. However, the CPUC argues that to deny rate treatment to *interest payments* to Alaskan producers, but to allow rate treatment for *advance payments* to Alaskan producers, is a distinction without substance.

In opposition to the rate base treatment afforded Panhandle with respect to the ARCO advance payment, CPUC asserts the July 31, 1975 order lacks any indication the Commission examined the ARCO advance payment by Panhandle to determine whether ARCO in fact needed the advance payment in order to produce its share of the Prudhoe Bay reserves, or whether ARCO would not dedicate its Prudhoe Bay reserves to the interstate market absent such advance payments by Panhandle. CPUC states it is unable to assess ARCO's need for the capital being supplied by Panhandle, but submits that the absence of the advance payment from Panhandle would not affect ARCO's dedication of its Prudhoe Bay reserves to the interstate market. CPUC contends the Commission should suspend or terminate its advance payment program with respect to the Prudhoe Bay reserves or face a factional battle for gas among the various market areas of the country with the only benefit accruing to the North Slope producers. CPUC urges the Commission to assert sole jurisdiction over all aspects of the sale and transportation of natural gas from Prudhoe Bay to the lower 48 states to avoid any further jurisdictional split in regulation as has occurred in effect with regard to the agreements between SoCal and ARCO and between PG&E and Exxon.

Accordingly, CPUC requests that in addition to granting rehearing of that portion of our July 31, 1975 order approving rate base treatment of the advance payments made by Panhandle to ARCO with respect to ARCO's Prudhoe Bay reserves, that the Commission suspend any further approval of advance payments made by jurisdictional pipelines to North Slope producers, until the Commission completes its investigation of its advance payment program in Docket Nos. R-411 and RM74-4,[4] and the Commission require the filing of gas purchase contracts by all North Slope producers who have made or will make commitments of Prudhoe Bay reserves to interstate pipeline companies, as well as to local distribution companies, or their respective affiliates.

We believe that the issues raised by the competing Alaskan gas proposals as well as all issues related to Alaskan advance payments should be discussed at the oral argument we have scheduled, including the issue of whether or not this Commission should suspend approval of rate base treatment for future Alaskan advances pending conclusion of the investigation in Docket Nos. R-411 and RM74-4, or otherwise take steps to preclude payment by any jurisdictional pipelines, intrastate distributors, or others and/or *receipt* by any jurisdictional producer in Alaska, or other party, of any form of advance payment, interest payment or other form of advance consideration, relating to Alaskan gas to be delivered at a future date.

In conjunction with its petition for rehearing of the Commission's order of July 31, 1975, CPUC also filed in this docket its Notice of Intervention out of time. It similarly urges the Commission to grant rehearing of that portion of its order of July 31, 1975, approving rate base treatment of the advance payments made by Panhandle to ARCO with respect to ARCO's Prudhoe Bay reserves and to suspend any further approval of rate base treatment for advance payments made by jurisdictional pipelines to producers on the North Slope of Alaska until the Commission completes its investigation of its advance payment program in Docket Nos. R-411 and RM74-4.

On September 16, 1975, Panhandle filed its answer to CPUC's notice of intervention opposing CPUC's intervention and petition for rehearing by the Commission of its July 31, 1975 order. Panhandle distinguishes its advance payment contract with ARCO from those in which interest costs are advanced by the pipeline to the producer and which the Commission has previously disallowed.[5] Rather, Panhandle characterizes its payment as ". . . the normal advance of capital for exploration and development specifically provided for in the Commission's Regulations".

In addition, Panhandle opposes CPUC's proposed intervention on the basis that it is untimely and that CPUC is not a party with a legitimate interest in the proceedings. Further, Panhandle asserts CPUC is thus barred from seeking rehearing for the purpose, Panhandle alleges, of litigating in this proceeding its dissatisfaction with the Commission's policy with respect to advance payments.

In addition to the asserted impediments to CPUC's intervention, Panhandle states there is no basis for rehearing. Panhandle contends its advance to ARCO is in accordance with the Commission's Regulations and the cost's inclusion as a rate base item, in compliance with the provisions to its settlement agreement.[6] The Commission's acceptance without suspension of Panhandle's June 13, 1975, filing implementing the effect of the approved rate base treatment of the cost of the advance is a discretionary act of the agency and is not subject to challenge.

On September 24, 1975, CPUC filed its reply to the answer of Panhandle in opposition to CPUC's intervention in this docket's proceeding. There, CPUC reiterates its request that the Commission grant CPUC's intervention and grant rehearing of its July 31, 1975 order and that the Commission suspend any further approval of rate base treatment for advances by Panhandle to ARCO with respect to Prudhoe Bay reserves.

Our review of CPUC's petition for rehearing of the Commission's order of July 31, 1975, in the above-referenced docket indicates there have been issues raised with respect to Panhandle's June 13, 1975, filing which concern the inclusion of costs of an advance payment from Panhandle to ARCO relating to Alaskan gas to be delivered in the future. All issues related to Alaskan advance payments are anticipated subjects of discussion at the oral argument, scheduled October 23, 1975, including the issue of whether or not this Commission should suspend approval of rate base treatment for future Alaskan advances pending conclusion of the investigation in Docket Nos. R-411 and RM74-4. Panhandle and CPUC should address themselves to the issues regarding Alaskan advances under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R-411 and RM74-4. Pending oral argument on the issues related to Alaskan advance payments and decision thereon, we will defer further action on CPUC's motion for reconsideration. We shall permit CPUC's untimely intervention in these proceedings, as hereinafter ordered.

The Commission finds: (1) It is necessary and appropriate in the public interest that Panhandle and CPUC address themselves to the issues regarding Alaskan advances under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R-411 and RM74-4.

(2) Pending oral argument on the issues related to Alaskan advance payments and decision thereon, we shall de-

[3] *Natural Gas Pipeline Company*, Docket No. RP75-90; *Northern Natural Gas Company*, Docket Nos. RP75-87 and RP75-89; *Michigan Wisconsin Pipeline Company*, Docket No. RP75-96.

[4] On September 16, 1975, the Commission issued "Notice Of Oral Argument Concerning: Investigation Of The Advance Payments Program, Possible Termination Of The Program And Conditions Thereof, And Proposals For Interim Treatment Of Alaskan Advances Pending Conclusion Of Investigation Of Entire Advance Payments Program", now scheduled to be held October 23, 1975.

[5] See our discussion, *supra*, of interest cost advances.

[6] Article V of the July 29, 1974, Settlement Agreement in *Panhandle*, Docket No. RP73-108, approved by Commission order issued August 30, 1974.

fer further action on CPUC's petition for rehearing.

(3) CPUC's untimely notice of intervention should be permitted in these proceedings.

(A) Panhandle and CPUC are hereby directed to address themselves to the issues regarding Alaskan advance payments under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R–411 and RM74–4; pending which, further Commission action on CP&C's petition for rehearing will be deferred.

(B) The CPUC is hereby permitted to intervene in these proceedings 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 they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27938 Filed 10-16-75;8:45 am]

[Docket No. E-9388]

PHILADELPHIA ELECTRIC CO.

Extension of Procedural Dates

OCTOBER 8, 1975.

On September 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 9, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 7, 1975.
Service of Intervenor Testimony, November 21, 1975.
Service of Company Rebuttal, December 5, 1975.
Hearing, December 16, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27924 Filed 10-16-75;8:45 am]

[Docket No. ER76-159]

PUBLIC SERVICE CO. OF OKLAHOMA

Electric Service Contract

OCTOBER 8, 1975.

Take notice that on October 1, 1975 the Public Service Company of Oklahoma (Company), tendered for filing a proposed new electric service contract with the Town of South Coffeyville, Oklahoma (Town). The requested commencement date of the service is January 1, 1976. The Town is presently served by the City of Coffeyville, Kansas.

The Town will be billed under Company's filed Rate Schedule RE–5, which contains an 80% ratchet feature in the demand clause. Company states that the high demand estimated to be established in the summer of 1976 may result in higher billing demands in subsequent years.

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 21, 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.75-27925 Filed 10-16-75;8:45 am]

[Docket No. ER76-156]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Tariff Change

OCTOBER 8, 1975.

Take notice that Public Service Electric and Gas Company of New Jersey, on October 1, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff Nos. 48 and 49. The proposed changes would increase revenues from jurisdictional sales and service by $186,159 based on the twelve month period ending June 30, 1975. The proposed effective date for the change is October 31, 1975. In addition, the proposed filing also modifies Public Service Electric and Gas Company's existing fuel adjustment clauses in the above tariffs to conform to Section 35.14 of the Commission's Regulations.

Public Service states that despite all efforts by it to combat increased costs, the continuing inflationary trend has affected practically all its operations. Due to these increased costs, Public Service states that it is becoming increasingly difficult for it to provide adequate and reliable service for the growing needs of its customers. The Company also contends that the rate increases are necessary to assure continued confidence in its financial integrity to provide earnings which will attract additional capital at reasonable cost to enable the Company to finance its electrical construction programs.

Copies of the filing were served upon the public utility's jurisdictional customers, the Boroughs of Milltown and South River, and the New Jersey Board of Public Utility Commissioners.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 20, 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.75-27926 Filed 10-16-75;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Correction

SEPTEMBER 24, 1975.

In the Notice of Application for Use of Project Property and Application for Change in Land Rights, issued September 12, 1975, and Published in the FEDERAL REGISTER on September 22, 1975, 40 FR Page 43557, 4th paragraph, lines 3 and 4, please change "October 20, 1975" to "November 10, 1975".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27954 Filed 10-16-75;8:45 am]

[Docket No. CP76-97]

STINGRAY PIPELINE CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 23, 1975, Stingray Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–97 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities to transport natural gas from High Island Area, offshore Texas, to its existing facilities in West Cameron Area, Block 564, offshore Louisiana, for Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately (1) 16.5 miles of 30-inch O.D. pipeline to connect Applicant's existing facilities in West Cameron Block 564 to a valve manifold platform to be located in High Island Block 330, offshore Texas, (2) 16.0 miles of 30-inch O.D. pipeline from Block 330 to a valve platform to be located in High Island Block 343, (3) 9.4 miles of 24-inch O.D. pipeline from High Island Block 330 to High Island Blocks 369 and 370, and (4) the aforementioned platforms and other related facilities for the gathering and transmission of gas produced from such areas. Applicant estimates that the cost of the proposed pipeline would be $44,955,000, and the related projects would be approximately $16,840,000, and filing

fees would be $120,000 for an estimated total of $61,915,000.

Applicant states that the proposed facilities would be used to transport gas produced from the High Island area to onshore Louisiana. Natural and Trunkline are said to have advised Applicant that they intend to utilize the proposed facilities to receive gas from blocks in the High Island area not presently being served by any pipeline. Pursuant to a gas transportation agreement between Applicant, Natural and Trunkline dated October 2, 1973, as amended, Applicant would transport up to 480,000 Mcf of gas per day pursuant to Applicant's FPC Rate Schedule T-1 for both participants. The proposed facilities are alleged to have a daily capacity of 500,000 Mcf, which is capable of flow in either direction.

Applicant states that it is aware that High Island Offshore System (HIOS) proposes in Docket Nos. CP75-81 and CP75-104 to construct and operate a system designed to transport gas from offshore Texas to interconnect with transmission systems in Louisiana, and that the facilities proposed in the instant application would be compatible with the facilities proposed HIOS and would in the event of emergency be able to transmit gas in either direction. Applicant further notes that the facilities that it proposes to construct between Blocks 330 and 343 are similar in design to those proposed by HIOS and that it is not the intention of Applicant or HIOS to construct duplicate lines, but rather either Applicant or HIOS would construct those facilities. The project proposed in the instant application is said to be neither dependent upon, nor mutually exclusive with, the HIOS project.

Applicant has included with its application estimates by Burmah Oil Development, Inc. (Burmah), of the reserves and deliverability for the High Island Block A-330 Field. Burmah estimates that the proven reserves are 231 million Mcf with the potential for an additional 120 million Mcf and that initial deliveries could commence by early 1977. It is indicated that peak deliveries would not occur until late 1977 or early 1978, at which time deliverability is estimated by Burmah to be 200,000 to 300,000 Mcf per day.

Applicant indicates that the cost per Mcf of gas transported would be $4.52 based on total system annual cost of service of $62,896,300 and annual transportation quantity of 13,920,000 Mcf.

The proposed facilities are said to make available to Natural and Trunkline additional volumes of natural gas from the High Island Area at a time when both are curtailing gas deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 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 certificates 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.75-27910 Filed 10-16-75;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 8, 1975.

Take notice that on September 30, 1975 Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FPC Gas Tariff, Third Revised Volume No. 1 and Original No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $64,080,927 based on the 12 month period ending June 30, 1975, as adjusted, and the proposed settlement rates set forth in Appendix A of the Stipulation and Agreement, filed with the Commission on June 12, 1975, in Docket No. RP75-19.

Texas Gas states that the increase costs are attributable to (1) increases in operating expenses; (2) increased costs associated with increased curtailment and further husbanding of gas; (3) increased income taxes related to liberalized depreciation, and (4) increase in rate of return.

Texas Gas requests an effective date of November 1, 1975, for the proposed Revised Sheets. Texas Gas further states that it served copies of this filing upon the company's 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 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 24, 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.75-27927 Filed 10-16-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Further Extension of Procedural Dates

OCTOBER 9, 1975.

On September 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued August 8, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, October 10, 1975.
Service of Intervenor, Testimony, October 24, 1975.
Service of Company, Rebuttal, November 7, 1975.
Hearing, December 2, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27939 Filed 10-16-75;8:45 am]

[Docket No. CP76-107]

TRANSWESTERN PIPELINE CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 29, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-107 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 25,000 Mcf of natural gas per day for Pacific Interstate Transmission Company (PIT), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 25,000 Mcf of gas per day that would be made available to it by PIT for delivery to Pacific Lighting Service Company (PLS) at the Arizona-California border. Such gas would be produced from five wells in Winkler, Ward, and Roberts Counties, Texas, and Eddy County, New Mexico, by Pacific Lighting Gas Development Company (PLGD), an affiliate of PLS. Applicant states that nine additional wells are being drilled. The five producing wells are said to be presently delivering approximately 10,000 Mcf of gas per day attributable to PLGD's interest, which gas is sold to PIT.

These wells are said to be connected to Applicant's pipeline system.

Applicant proposes to transport the gas under new Rate Schedule TP–1 at the rate of 2.644 cents per therm, which is said to be equal to the rate for contract demand service to PLS in effect under Rate Schedule CDQ–1, less gas purchase costs. Deliveries and redeliveries would be balanced by heating content. Applicant states that it presently has excess capacity available in the system to be used for the proposed transportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 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.75-27940 Filed 10-16-75;8:45 am]

[Docket No. CI76-161]

UNION TEXAS PETROLEUM

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 16, 1975, Union Texas Petroleum, a Division of Allied Chemical Corporation (Applicant), P.O. Box 2120, Houston, Texas 77001, filed in Docket No. CI76–161 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 Columbia Gas Transmission Corporation (Columbia) from Block 544, West Cameron Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Columbia gas attributable to its interest in Block 544 pursuant to their contract of July 9, 1975, at 52.52 cents per Mcf subject to upward and downward Btu adjustment. Estimated monthly sales are 60,000 Mcf of gas at 15.025 psia. Applicant would reserve the option to receive 25 percent of the daily quantity of gas produced.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 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 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.75-27929 Filed 10-16-75;8:45 am]

[Docket No. CP76-105]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 26, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed an application in Docket No. CP76–105 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 4-inch tap to serve Entex, Inc. (Entex), near Cameron in Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a letter agreement dated May 30, 1975, between it and Entex, they have agreed to the construction of a 4-inch tap by Applicant on Applicant's 4-inch pipeline in Cameron Parish. The proposed facilities would comprise a new and additional point of delivery from Applicant to Entex, proposed City Gate No. 2. The stated purpose of the proposed delivery point is to allow Entex to take delivery of natural gas from Applicant at a point from which Entex's facilities would not have to cross corrosive, marshy areas. It is alleged that the pipeline from City Gate Station No. 1 does pass through such an area and is corroded, leaking and in need of replacement.

Applicant further proposes to deliver to Entex a maximum daily quantity of 3,237 Mcf of gas at the City Gate No. 1 and a maximum daily quantity of 3,034 Mcf of gas at the proposed City Gate No. 2, in lieu of a maximum daily quantity of 6,271 Mcf of gas at the City Gate No. 1 as is presently authorized.

The estimated cost of the proposed facilities is said to be approximately $950, which cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 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.75-27911 Filed 10-16-75;8:45 am]

[Docket No. CP63-92]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 8, 1975.

Take notice that on September 29, 1975, United Gas Pipe Line Company (Petitioner), 4500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP63-92 a petition to amend the order of the Commission of July 5, 1963, issued in said docket pursuant to Section 7(c) of the Natural Gas Act by deleting therefrom authorization to exchange natural gas with Texas Eastern Transmission Corporation (Texas Eastern) at one authorized point of exchange and by authorizing the exchange of natural gas at one additional point in Ganado, Jackson County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the authorized exchange point near Beaumont, Jefferson County, Texas, is no longer in operation and was abandoned by sale by Applicant to Pennzoil Pipe Line Company as authorized by the Commission in its order of August 14, 1970 (44 FR 292). In substitution for the deliveries made at Beaumont Applicant requests authorization to deliver approximately 35,000 Mcf of natural gas per day to Texas Eastern at an existing point of interconnection at Ganado, pursuant to a letter agreement dated April 2, 1975.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 5, 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 or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27930 Filed 10-16-75;8:45 am]

[Docket No. ES76-15]

UTAH POWER & LIGHT CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of $60,000,000 in principal amount of its First Mortgage Bonds and 900,000 additional shares of Common Stock.

The New Bonds and the New Stock are proposed to be offered pursuant to competitive bidding procedures on or about November 19, 1975.

The proceeds from the sale of the New Bonds and the New Stock will be applied to Applicant's construction program and to the repayment of short-term indebtedness incurred for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 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.75-27931 Filed 10-16-75;8:45 am]

[Docket No. CP76-100]

VERMONT GAS SYSTEMS, INC.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Vermont Gas Systems, Inc. (Applicant), 31 Swift Street, South Burlington, Vermont 05401, filed in Docket No. CP76-100 an application pursuant to Section 3 of the Natural Gas Act for authorization to import volumes of natural gas daily from Canada, in addition to those volumes presently authorized to be imported daily, to meet its peak day requirements, but without an increase in the annual volumes authorized to be imported, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is an intrastate pipeline that operates solely in the State of Vermont and that it purchases all of its natural gas from TransCanada PipeLines Limited (TransCanada) authorized to be imported by orders of the Commission in Docket Nos. CP65-142, CP69-132 and CP72-38. Applicant requests in the instant application that it be authorized to import an additional 3,000 Mcf of gas on its peak day, for a total of 20,700 Mcf, without change in the annual import authorization of 6,460,000 Mcf of gas.

Applicant alleges that the presently authorized peak day volume of 17,700 Mcf is insufficient to meet the present peak day demands. The application states that the availability of a sufficient supply of natural gas in the areas now served and proposed to be served by Applicant will provide the residents thereof with a competitive fuel which would not otherwise be available to them, the location of Applicant's market is such that it will not permit an economically feasible use of natural gas produced in the United States and at the same time Applicant can deliver to its market in Vermont a supply of natural gas from Canada more economically than from any United States source and thus can provide natural gas service at more reasonable rates than would otherwise be available to its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 31, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27941 Filed 10-16-75;8:45 am]

[Docket No. E-9147 (Phase I)]

VIRGINIA ELECTRIC AND POWER CO.

Correction

SEPTEMBER 18, 1975.

In the Notice of Further Extension of Procedural Dates, issued August 26, 1975, and Published in the Federal Register on September 3, 1975, 40 FR Page 40589, line 6 after period in the above-designated notice please revise to read: "Counsel for ElectriCities and for the Commonwealth of Virginia and Commission Staff Counsel do not oppose this motion." Following line 6, please add: "One August 19, 1975, Old Dominion Electric Cooperative, Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation, and Roanoke Electric Membership Corporation filed a response in opposition to the motion by Virginia Electric and Power Company."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27952 Filed 10-16-75;8:45 am]

[Docket No. ER76-160]

WASHINGTON WATER POWER CO.

Notice of Tender of "Letter Agreement"

OCTOBER 8, 1975.

Take notice that on October 3, 1975, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as "Letter Agreement" between Washington and the Portland General Electric Company (Portland). Washington states that this "Letter Agreement" would apply to the delivery of 50 average megawatts of energy to Portland during the period September 1, 1975, through December 31, 1975.

The Company states that the return or purchase of this energy by Portland is dependent on the amount of water stored, as of July 31, 1976, in the Coordinated System reservoirs (Washington and Portland are both parties to the Coordinated System). If the reservoirs refill, then Portland will pay Washington for the energy delivered at the rate of 9.0 mills per kilowatt hour.

The Company requests that the requirements of prior notice be waived and that the effective date be made retroactive to September 1, 1975, adding that there would be no effect upon 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 21, 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.75-27928 Filed 10-16-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 9, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 4, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 3-P, Monthly Residential, Commercial and Industrial Electric Bill Data for BLS. EPC Form No. 3-P is used by the Commission to obtain monthly bills from electric utilities for transmittal to the Bureau of Labor Statistics, for use in computing the Consumer and Wholesale Price Indexes. These price indexes are the Government's official indicators of price movements and are widely used for measuring changes in the national economy. Form No. 3-P is filed monthly by approximately 129 electric utilities with a separate response for each of 174 communities throughout the United States and it is estimated that an average .2 hour will be required monthly per response.

The Federal Power Commission requests clearance of a new single-time reporting requirement, "1972-3 Residential Electric Bill Data for BLS" as a supplement to FPC Form No. 3-P. The new reporting requirement is being instituted at the request of the Bureau of Labor Statistics and is designed to develop detailed information on the number of residential customers and the aggregate revenues by kilowatt-hour use levels. This information is to be used by BLS to refine its weighting of residential electric power expenditures in the calculation of the Consumer Price Index and Wholesale Price Index. The new survey is to cover a select group of 129 electric utilities which now report monthly in FPC Form No. 3-P and it is estimated that an average of 2 hours will be required per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2805 Filed 10-16-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. E-42]

ADP AND TELECOMMUNICATIONS REQUIREMENTS CHECKLIST

1. *Purpose.* This regulation simplifies the procurement process by consolidating agency certifications concerning compliance with privacy, budget, and certain other requirements into a single checklist.

2. *Effective date.* This regulation is effective on October 17, 1975.

3. *Expiration date.* This regulation expires March 31, 1976, unless sooner revised or superseded.

4. *Background.* The Privacy Act of 1974 requires reports on user systems and public notice of all systems of records. The Office of Management and Budget (OMB) Circular No. A-108 makes GSA responsible for revising ADP and telecommunications procurement policies to provide that agencies must review all proposed equipment and service procurements to ensure compliance with applicable provisions of the act. Operational experience with FPMR Temporary Regulation E-38 demonstrated a need for more explicit consideration of related funding and procurement policies. The checklist included as attachment A to this regulation has been developed to assist agencies by consolidating certification requirements into a single list.

5. *Requirements checklist.* Agencies must include with all proposed ADP and telecommunications equipment and service procurements the information described in attachment A before GSA can process the request.

6. *Effect on other issuances.* This regulation supplements requirements expressed in FPMR 101-32.203, 101-32.404, and 101-35.203. This checklist, however, is not all-inclusive of the applicable procurement and/or other requirements. Therefore, in addition to the checklist, agencies are obligated to comply with all applicable regulations.

7. *Agency comments.* Agency comments may be submitted to the General Services Administration (CP), Washington, DC 20405, no later than December 31, 1975.

8. *Information.* Information concerning this checklist may be obtained from:

General Services Administration (CP)
Washington, DC 20405.

Telephone IDS 183-7301; FTS 202 343-7301.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 7, 1975.

ADP AND TELECOMMUNICATIONS REQUIREMENTS CHECKLIST

Date of request ..... Subject of request.....

	Yes	No	Not applicable
I. PRIVACY REQUIREMENTS			
(1) Equipment or services identified by this request will be used to maintain system of records, subject to the Privacy Act of 1974.	☐	☐	
(2) A report of new systems has been submitted to the Congress and OMB on ..... as required by OMB Circular No. A-108.	☐	☐	☐
(3) The notice requirements of the Privacy Act (5 U.S.C. 552a (e) (4)(D), (e) (11), and (f)) have been complied with.	☐	☐	☐
II. FUNDING REQUIREMENTS			
(1) Funding in the amount of $..... was ☐ explicitly/☐ implicitly included in the agency's fiscal year ..... budget request and the proposed procurement is consistent with OMB budget guidance and policy directives.	☐	☐	☐
III. OTHER REQUIREMENTS			
(1) A feasibility study required by FMC 74-5 was completed on	☐	☐	☐
(2) A system study has been conducted as required by FPMR 101-32.11 for procurements which contain communications requirements.	☐	☐	☐
(3) The requirements of the ADP sharing program in FPMR 101-32.2 have been met. Documentation supporting the above certifications is retained in the agency's files.	☐	☐	☐

Submitting department/agency ..... Certifying official .....

NOTE.—Item II(1) is not applicable if procurement is under $50,000.
NOTE.—Item III(1) is not applicable if procurement is under $100,000 or if a lease is under $2,500/month.

[FR Doc.75-28008 Filed 10-16-75;8:45 am]

ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Archives Advisory Council shown below will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

Regional Archives Advisory Council—Region 9

Meeting dates: November 17–18, 1975.

Time: November 17: 9:00 a.m.–4:00 p.m.; November 18: 9:00 a.m.–1:00 p.m.

Place: Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677.

Agenda: Archival Training, Bicentennial Symposia, Status of Archival Legislation, Reports on Archival Operations, National Archives Advisory Council Items.

For further information contact: Mr. Artel Ricks, NARS Regional Commissioner (GSA), 1000 Commodore Drive, San Bruno, CA 94066, 415–876–9015.

Issued in Washington, DC on October 7, 1975.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.75-28006 Filed 10-16-75;8:45 a.m.]

[FPMR Temp. Reg. F-358]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective September 26, 1975.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arkansas Public Service Commission (Docket No. U5649) involving the application of Arkansas Power and Light Company for general increases in its electrical rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 7, 1975.

[FR Doc.75-28007 Filed 10-16-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[75-81]

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF THE APPLICATIONS EXPLORER MISSIONS-A/HEAT CAPACITY MAPPING MISSION PROPOSALS

Date and Place of Meeting

The Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals will meet on November 3 through 7, 1975, at the Goddard Space Flight Center, Greenbelt, Maryland 20771, Building 16, Rooms 24, 101, and 242. The meeting will be closed to the public because the Subcommittee panels will be discussing and appraising proposers and individuals involved. The ad hoc Subcommittee panels will assist NASA in evaluating proposals for scientific analysis of satellite acquired thermal data. Discussion of the professional qualifications of the proposers and their potential scientific contributions to the Heat Capacity Mapping Mission would invade the privacy of the proposers and the other individuals involved. Since the ad hoc Subcommittee sessions will be concerned throughout with matters listed in 5 USC 552(b)(6), it has been determined that the session be closed to the public.

Currently, the ad hoc Subcommittee comprises 26 members and an Executive Secretary, Mr. Locke Stuart, who can be contacted for further information at (301) 982–5770.

The following is the approved agenda and schedule for the November 3 through 7, 1975, meeting of the Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals:

November 3, 1975

8:30 a.m.–12 noon—Orientation and guidelines for the evaluation and categorizing of proposals.

12:30 p.m.–5 p.m.—Subcommittee Proposal Evaluation.

November 4 and 5, 1975

8:30 a.m.–5 p.m.—Subcommittee Proposal Evaluation.

November 6, 1975

8:30 a.m.–12 noon—Preparation of Subcommittee Evaluation documentation.

12:30 p.m.–5 p.m.—Evaluation progress to be discussed with the Chairman; review and finalize minutes of panels.

November 7, 1975

8:30 a.m.–5 p.m.—The full ad hoc Subcommittee will meet and review the recommendations of each panel and establish order of priority for recommended proposals.

5 p.m.—Adjourn.

DUWARD L. CROW,
Associate Deputy Administrator.

OCTOBER 10, 1975.

[FR Doc.75-27947 Filed 10-16-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

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 Molecular Biology.

Date: November 3 and 4, 1975.

Time: 9 a.m. each day.

Place: Rm. 321, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Walter Bonner, Program Director for Biochemistry, Rm. 329, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4260.

Purpose of Panel: To provide advice and recommendations concerning support for research in molecular biology.

Agenda: To review and evaluate research proposals that have been assigned to the Molecular Biology 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. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to Close Meeting: The Director of the National Science Foundation's determination dated February 21, 1975, pursuant to the provisions of Section 10(d) of P.L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 14, 1975.

[FR Doc.75-27948 Filed 10-16-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Proposed Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) for operation of Unit 1 of the Pilgrim Nuclear Power Station (the facility), a boiling water reactor located near Plymouth, Massachusetts.

In accordance with the licensee's application for a license amendment dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also revise the Technical Specifications to permit operation of the facility using operating limits based on the General Electric Thermal Analysis Basis (GETAB).

By November 17, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Dale G. Stoodley, Counsel, Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975, (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1757), (3) the nonproprietary General Electric Report NEDO-10958 on GETAB, and (4) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO-10958), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-28087 Filed 10-16-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO. (YANKEE-ROWE)

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company (the licensee) for operation of the Yankee Nuclear Power Station (the facility), a pressurized-water reactor located in Rowe, Massachusetts, and currently authorized for operation at power levels up to 600 MWt.

In accordance with the licensee's application for a license amendment dated October 10, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Yankee Nuclear Power Station, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR § 50.46.

In addition, the amendment would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendment dated July 14, 1975, related to the replacement of 40 of the 76 fuel assemblies in the Yankee-Rowe core with fuel assemblies of a different design, constituting refueling of the core for operation with Core XII.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 17, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Com-

mission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Frederic Greenmond, Esquire, New England Electric System, 20 Turnpike Road, Westboro, Massachusetts 01581, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 14 and October 10, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 [published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1782)], which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-28185 Filed 10-16-75;9:49 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:

Import questionnaire, export questionnaire: Pretest of survey of domestic and international transportation of U.S. foreign trade: 1976—bulk commodities, single-time, exporters and importers or bulk commodities, Strasser, A., 395-5867.

Reconciliation Worksheet — 1975 Rural Listing Test Part of 1980 Decennial Census of Population and Housing, DA-106, single-time, selected households, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:

Survey of national information sources on the handicapped, single-time, private organizations, Dick Eisinger, 395-6140.

Food and Drug Administration: Protein Electrophoresis and Immunoglobulin Data and Information Form, FD-2600-A, single-time, licensed manufacturers of source plasma (human), Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs: Questionnaire for Growers of Cigar Wrapper Tobacco, ILAB-35, single-time, growers of cigar wrapper tobacco, Harry B. Sheftel.

Occupational Safety and Health Administration: Readership Survey: Job Safety and Health, OSHA 85, single-time, individuals, Caywood, D. P., 395-3443.

REVISIONS

VETERANS ADMINISTRATION

Application for Automobile or Other Conveyance and Adaptive Equipment, 21-4502, on occasion, veterans and service persons, Caywood, D. P., 395-3443.

Statement of Accredited Representative in Appealed Case, 1-646, on occasion, accredited representatives of service organizations, Caywood, D. P., 395-3443.

Request for Organizational Data From Builder, FL26-312, on occasion, builders, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: A National Survey of Inactive Physicians, HRO 0903, single-time, inactive physicians, Caywood, D. P., 395-3443.

National Institutes of Health: Breast Cancer Detection Demonstration Project, OSNIH CA-1, other (see SF-83), women screences, aged 35-75, Dick Eisinger, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Alternative surveillance concepts and methods for freeway incident management (statement of work), single-time, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28143 Filed 10-16-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11714; File No. SR-Amex-75-2]

AMERICAN STOCK EXCHANGE, INC.

Filing of Proposed Rule Change and Order Declaring Rule Change Effective

Notice is hereby given that the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, a national securities exchange registered with the Commission pursuant to Section 6 of the Securities Exchange Act of 1934 (the "Act"), filed with the Commission pursuant to Subsection 19(b)(1) of the Act a proposed amendment to its Rule 952 which would raise from $2.00 to $3.00 the price under which options may be traded on that exchange in sixteenths. Such options are presently traded in eighths. The purpose of the rule is to permit tighter markets and greater price flexibility in these options.

Amex's Rule 952 has been amended as follows (Brackets indicate words to be deleted and italics indicate words to be added.):

Rule 952. The minimum fractional change for dealings on the Exchange in option contracts shall be one-eighth point in option contracts trading at ($2.00) *$3.00* per share per option or higher, and one-sixteenth point in option contracts under ($2.00) *$3.00* per share per option. However, different minimum fractional changes for dealings in option contracts may be fixed by the Exchange from time to time for option contracts of a particular series.

The Commission finds good cause for approving the amendment before the thirtieth day after publication of the filing because (1) the regulatory and policy issues involved are substantially the same as those raised by a similar change in the CBOE's rules which was published in the FEDERAL REGISTER at 40 FR 15015 (April 4, 1975) and 40 FR 17355 (April 18, 1975), (2) the effectiveness of Amex's amendment has been delayed by the necessity of refiling under recently adopted Rule 19b-4, and (3) the Commission is not aware of any substantial reason to treat Amex differently than CBOE in this matter, and (4) the amendment will help eliminate confusion arising from the difference in CBOE and Amex rules.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the amendment to Amex Rule 952 be, and the same hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning this submission on or before

November 21, 1975. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–Amex–75–2.

By the Commission.

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

OCTOBER 7, 1975.

[FR Doc.75-28001 Filed 10-16-75;8:45 am]

[Release No. 34–11717; File No. SR–BSE–75–1]

BOSTON STOCK EXCHANGE

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on September 15, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter XVIII Section 1 of the Rules [Bracketed language deleted]

Acts inconsistent with good order and decorum on the Floor of the Exchange are prohibited and may be punished by a fine [not in excess of fifty dollars] for each offense or, by a two-thirds vote of all existing members of the Board of Governors, by suspension for up to sixty days. Members will be held responsible for the conduct of their employees.

STATEMENT OF BASIS AND PURPOSE

Purpose of the proposed rule change. The purpose of the rule change is to delete the stated maximum amount of a fine which can be imposed for acts inconsistent with good order and decorum on the Floor of the Exchange, so that the disciplinary authority may, when appropriate, impose a more meaningful fine for violations.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 17, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

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

OCTOBER 8, 1975.

[FR Doc.75-27985 Filed 10-16-75;8:45 am]

[Release No. 34–11720; File No. SR–CBOE–1975–4]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 3, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing is made in respect of the request by the Chicago Board Options Exchange, Incorporated ("CBOE") to be granted permission to expand the number of underlying stocks on which it could approve call options for CBOE trading from the current number of 80 to between 90 and 100 as soon as possible. This filing should be viewed as a request for approval of a near-term expansion program, recognizing that the CBOE's longer term expansion plans, i.e. first half of 1976 and beyond, will be fully formulated within a short time and will thereafter be submitted to the Securities and Exchange Commission for approval. In order that interested persons may be afforded an opportunity for formal notice of and to comment on its request, CBOE hereby elects pursuant to clause (ii) of paragraph (a) of Rule 19b–4 to treat its request for expansion of stocks underlying call options traded on CBOE as a "proposed rule change" under said Rule and to file such proposed rule change in accordance with the provisions of Section 19(b)(2) of the Securities Exchange Act of 1934, as amended.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change will enable the CBOE to engage in a limited expansion of the number of underlying stocks on CBOE call options from the current number of 80 up to 100.

CBOE believes it consistent with the protection of investors and the public interest that it be permitted to modestly increase the number of underlying stocks whose call options it trades. The CBOE's current, as well as its projected near-term, capabilities in the areas of communication systems, floor facilities and regulation are, and will be, more than sufficient to accommodate the increased volume of trading which would result from the approval of from 10 to 20 additional option classes.

In that regard, since May, 1975 CBOE has greatly improved its data collection and input capabilities with respect to its dissemination of last sale information. In addition, within the last few months, the CBOE has resumed its quote reporting activities.

With regard to the CBOE's physical facilities, expansionary construction has now been in progress for the past few months and will result within a month in an increase of trading posts and member firm floor facilities support booths.

With regard to CBOE's regulatory capability, the CBOE's Department of Compliance and Department of Trading Procedures, although presently adequately staffed and operating efficiently, have recently expanded the number of experienced and highly educated people on their respective staffs.

The granting of this request for an increase, as soon as possible, in the number of options classes traded on the CBOE would permit the CBOE to utilize some of its present excess capacity in the areas mentioned above on a short-term basis, while it completes its longer-range plans for future expansion in the number of call option classes as well as other types of options contracts traded on the CBOE.

Comments were not, and are not intended to be, solicited with respect to the proposed rule change.

CBOE believes that no burden on competition will be imposed by permitting CBOE to increase the number of underlying stocks on which it lists call options.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-men-

tioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 17, 1975.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 9, 1975.

[FR Doc.75-28003 Filed 10-16-75;8:45 am]

[Release No. 34-11722; File No. SR—NYSE-75-4]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 7, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes (amendments to New York Stock Exchange Constitution) to change the present composition of its Board of Directors from 10 members who are representative of the industry, 10 members who are representative of the public and the Chairman of the Board to 14 members who are representative of the industry, 10 members who are representative of the public and the Chairman. The proposed rule changes would also lessen the qualifications for industry representatives to be eligible for election to the Board.

While the Board of Directors is obliged to file the proposed amendments with the Commission, it opposes approval of the amendments as being inimical to: (1) the public interest, (2) the interests of investors, (3) the interests of the members of the New York Stock Exchange, Inc., and (4) the interests of the Exchange as an institution.

Purpose of proposed rule change.—The proposed rule change if approved by the Commission would significantly alter the present composition of the Board of Directors of the Exchange. The amendments would:

(a) *increase* the number of Directors elected by the members of the Exchange from the present requirement of 20 to 24. The additional four Directors must be members or allied members of the Exchange;

(b) *change* the existing eligibility requirement that a member or allied member associated with a member corporation be *both* a principal executive officer *and* a director of the member corporation to provide that the member or allied member need be only a principal executive officer *or* a director of the member corporation;

(c) *preserve* the requirement that at least two members of the entire Board be specialists who spend a substantial part of their time on the Floor, but *change* the present limitation that not more than three members of the entire Board shall spend a substantial part of their time on the Floor to a *mandatory* requirement that five members of the entire Board spend a substantial part of their time on the Floor;

(d) *alter* the circumstances for the disqualification of a director because of his change of status; (a) i.e., if he has ceased to be a principal executive officer *and* a director of a member corporation—to provide that the disqualification would not apply if the director remains either as a principal executive officer *or* a director of a member corporation; and (b) to provide that a director shall not be disqualified if he commences spending a substantial part of his time on the Floor unless as a result thereof more than five directors would then be spending a substantial part of their time on the Floor;

(e) *alter* the requirements of the Nominating Committee to provide that up to four members of that Committee may each be either a principal executive officer *or* a director of a member corporation and need no longer be both a principal executive officer *and* a director of a corporation.

The proposed rule change would also add a new Article XXII to the Exchange Constitution. This Article consists of six separate sections which prescribe the procedures under which the four additional directorships created by the proposed rule change would be filled. They provide that—

(a) a special election will be held within sixty days after the adoption of the proposed rule change,

(b) the Nominating Committee is to be convened and hold meetings to receive suggestions for nominations and for the purpose of nominating candidates to fill the vacancies, and

(c) nominations may be made by petition of the members and that the election procedures presently contained in the Constitution would be applied to the Special Election which would be held pursuant to the proposed rule change if approved.

Basis under the Act for Proposed Rule Change—State the basis under the Act for adopting the proposed rule change.—The Board of Directors has repeatedly stated its opposition to the proposed rule change. It is nonetheless obliged under the Exchange Constitution and in accordance with the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934, to file the proposed rule change with the Commission. In so doing however, the Board of Directors of the New York Stock Exchange strongly urges the Commission to disapprove the proposed rule change.

The Board of Directors of the Exchange does not believe that any of the items specified in Item 4(a) of Form 19-b-4A are applicable to the proposed rule change being filed herewith, except that the Board calls the Commission's attention to Item 4(a)(v)(E) which speaks of *"protection . . . of the public interest"*, which is relevant to the reasons behind the Board's opposition to the proposed rule change.

The proposed rule change would alter the present balance of the Board represented by an equal number of industry and public directors by increasing the number of industry directors by 40%. There does not appear to be any objective standard which can be applied to justify this change. The existing balanced concept resulted from the recommendation made by William McChesney Martin in his Report dated August 5, 1971 and from the recommendations made by the Committee on Exchange Reorganization in its Report dated December 29, 1971. The objective of a balanced Board as stated in the Martin Report was:

> To create an organization which, through the public representation on its governing board and the authority and independence of its management, will strengthen self-regulation and answer the prevalent criticism that member firms of the New York Stock Exchange cannot be expected to discipline themselves. (Martin Report, page 5)

The record of the Board as presently structured demonstrates that it has promoted the welfare objectives and purposes of the Exchange (a duty with which the Board is charged under Article III, Sec. 1 of the Exchange Constitution) and that it has discharged its public responsibilities in a manner consistent with the best interests of public investors, listed companies, and members of the exchange. In discharging these responsibilities it is significant that no vote of the Board has been divided along industry and public member lines.

The Board believes there is no basis for the Commission to approve the proposed rule change which would alter the present structure. The issue that is raised for the Commission is one of justification, for approving the increase in the number of industry directors over the number of public directors, thereby running the risk of diminishing the influence of the latter group. Such approval would provide a Board whose deliberations could result in possible potential conflict of interest to the detriment of public investors, listed companies and members of the Exchange.

The proposed rule change would also alter the stated qualifications for directors who are associated with member corporations of the Exchange by eliminating the present requirement that each such director be both "a principal executive officer *and* a director of a member corporation". The present requirement was recommended by the Exchange's "Committee on Exchange Reorganization", headed by Director Cornelius Owens, which stated its reasons in the Committee's December 29, 1971, Report as follows:

> The Committee recommends that members of the Board of Directors who come from the New York Stock Exchange member organizations (industry directors) should be the principal executives of their member organizations. To accomplish this, we have set forth as a qualification for an industry director that he be either a principal officer and director of a member corporation or a member of the managing committee of a member partnership or a sole proprietor. We

are attempting to obtain for the new Board the decision makers, the men who occupy positions of leadership in their own firms.

This requirement is consistent with the recommendations made by Mr. William McChesney Martin in his August 5, 1971, Report to the then Board of Governors of the Exchange in which he outlined the objectives of the reorganization of the Exchange. One of these objectives was:

To permit and encourage the principal officers and partners within the member firms to serve on the governing board without respect to business background, e.g., the floor, the back office or the New York metropolitan area.

The Board of the New York Stock Exchange has previously considered a not dissimilar proposal which would have eliminated the dual qualification requirement as to a certain class of industry director, so that members of that class would not have been required to be both a principal executive officer and a director of a member corporation. After discussion of that proposal at its meeting of September 6, 1973, the Board deferred action on the proposal for a period of one year. That proposal was again reviewed by the Board at its meeting of September 12, 1974 and was at that time rejected by a unanimous vote of the Board as constituting an undesirable change in the make-up and structure of the Board.

It is also significant that the high qualification standards for industry directors now required by the Constitution of the New York Stock Exchange are incorporated in the Constitution of the American Stock Exchange.

No rationale has been provided in support of the proposed amendments which justifies altering the existing high qualification standards.

The present Board believes that the concepts of a balanced Board and high qualification standards promulgated in the Martin Report, recommended by the Committee on Exchange Reorganization and overwhelmingly approved by the membership in 1972 by a vote of 852 to 109 in favor of the reorganization amendments, has served the Exchange and its members well in a period of intense stress and change. The wise counsel of the public representatives has contributed immeasurably to the decision-making processes of the Board and has provided new credibility with the investing public and with regulatory bodies in Washington.

For these reasons the Board of Directors of the Exchange urges the Commission to disapprove the proposed rule change.

Comments Received From Members, Participants or Others on Proposed Rule Change.—If comments were received from members of or participants in the self-regulatory organization or others, summarize the substance of all comments received. If comments were not or are not to be solicited, so state.

Comments were not solicited; however, written comments were received from: (a) Robert C. Gunness, a public director of the Exchange; (b) William M. Batten, a public director of the Exchange both of whom oppose the proposed rule change; (c) Ray Garrett, Jr., Chairman, Securities and Exchange Commission; and (d) Harry M. Jacobson, President of the Association for the Preservation of the Auction Market and a member of the Exchange who supports the proposed rule change. A copy of each of these comments is attached—excerpts from each are as follows:

(1) Letter dated August 22, 1975 from Robert C. Gunness—

The Board has on two occasions gone on record as opposing the change as not being in the best interest of the Exchange, the industry, or the public. I see nothing which has come forward to change this view and am therefore in favor of forwarding the matter to the SEC with the recommendation that the Constitutional amendment be disapproved.

In my opinion, the only viewpoint that would support a contrary action is to narrowly interpret the responsibilities of the Board as being limited to representing the desires of the membership of the Exchange. In such an event, the Board should be directly responsive to the membership vote. I do not interpret the Board's responsibilities as being so narrowly defined. In fact, were its responsibilities to be so defined no purpose would be served by any public representation on the Board and, in my opinion, all public members should resign from the Board.

(2) Letter dated August 28, 1975 from William M. Batten—

The events since the inception of the new type of Board have, in my opinion, tended to confirm the validity of the rationale for establishing it. After the usual amount of time required to get organized, become more familiar with the major issues and gain a greater understanding of the securities industry and the operation of the New York Stock Exchange, the Board has, in my opinion, acted decisively and on the basis of weighing carefully the respective interests of the Exchange, its members and the public. This is particularly significant, I think, because the new Board came into being at a very significant time when many forces—legislative and otherwise—were bringing to bear very great pressures on the industry. Even so, the decisions made by the Board have not been made on a narrow, self interest basis and at no time has a vote of the Board divided along industry and public member lines. In fact, each member of the Board, regardless of his label, "securities industry" or "public", has acted as a responsible member of the Board trying diligently to consider all viewpoints. The diversity and balance of viewpoints has, in my opinion, been helpful to and in the best interest of the Exchange, its members and the public.

(3) Letter dated July 29, 1975 from Ray Garrett, Jr.—

At the outset, it should be noted that the underlying rationale for this rule proposal is an important factor warranting the Exchange's attention, and ours, under the recent amendments to the Securities Exchange Act. While such a proposal may have a number of appropriate bases, both the Exchange and the Commission are under an obligation to ensure that the proposal is not being suggested, or would not otherwise operate, to effect purposes that are inconsistent with the Securities Exchange Act, including the recently restated goals of that Act. Thus, for example, whatever purposes might have generated the proposal, if it would likely impose undue burdens on competition, or otherwise operate to deter the development of a national market system, this Commission could not approve the rule.

On a more pragmatic plane, it is apparent that the present composition of the Exchange's board of directors, as established in 1972 on the recommendation of William McChesney Martin, has been an important contributing factor in the significant role the New York Stock Exchange has played in all market developments since that time. I believe that the diligence and concern of your public members have contributed significantly to the acceptance of your Exchange as an important public institution, and not merely a parochial group of persons seeking only their self-interest. It is clear in my mind that this stature was instrumental in persuading the Congress not to adopt certain measures that I am sure many of your members would have strongly opposed.

Under the mandate and with broad Commission authority and responsibility embodied in the Securities Acts Amendments of 1975, we must now work toward the establishment of a national market system as contemplated by the Congress. The New York Stock Exchange should play an important role in this process. But the degree and nature of the role it will play, the attention given its views, and ultimately the responsibilities it is permitted to assume, will reflect the extent to which the Exchange appears to be governed by considerations of the public interest, rather than by considerations of private and local benefit.

(4) Letter dated May 9, 1975 from Harry M. Jacobson—

In addition to increasing the technical expertise available to the Board, the proposed amendments will also make the Board more responsive to and representative of the needs of the members of the New York Stock Exchange. Under the present structure, not more than three and sometimes only two directors are selected from Exchange members working on the trading floor. However, our recent survey showed that over one-half of the Exchange members work on the trading floor and vote their own membership.

Burden on Competition

Explain any burden on competition to be imposed by any proposed rule change. Set forth the basis on which the self-regulatory organization has concluded that any burden on competition imposed by the proposed rule change is necessary or appropriate in furtherance of the purposes of the Act. In that connection, respond to comments as to burdens on competition perceived by members, participants or others who comment on the proposed rule change to the self-regulatory organization.

No burden on competition is imposed by the proposed rule change.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

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

OCTOBER 9, 1975.

[FR Doc.75-27986 Filed 10-16-75;8:45 am]

[Release No. 34-11715; File No. SR-PSE-75-3]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 3, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rule change consists of interface agreements between Pacific Securities Depository Trust Company ("PSDTC") and Depository Trust Company ("DTC") and between PSDTC and Midwest Securities Trust Company ("MSTC"). The two agreements are substantially identical.

The terms of substance of the interface agreements are as follows:

1. PSDTC makes another depository (DTC or MSTC) custodian with respect to certain securities held by PSDTC, and the custodian agrees to promptly deliver any such securities to PSDTC, without asserting any lien against such securities.

2. PSDTC warrants to the custodian that it has authority to enter into the agreement with the custodian and deliver the securities to the custodian.

3. PSDTC agrees to indemnify the custodian against losses incurred as a result of following the instructions of PSDTC, and the custodian agrees that its liability with respect to securities deposited with it by PSDTC will be the same as its liability with respect to securities deposited with it by other depositors.

4. PSDTC agrees to pay such fees as are mutually agreed upon by both parties.

5. The agreements continue until terminated by mutual agreement, or terminated by either party on not less than sixty days written notice to the other.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed change is to permit the inter-linking of PSDTC with DTC and MSTC to effect a national depository system in accordance with the Securities Acts Amendments of 1975.

The proposed change, by establishing a national depository system, substantially improves the ability of any registered broker, dealer or bank to effect bookkeeping movements of securities between San Francisco-Los Angeles and New York and Chicago, thereby reducing the necessity for physical handling of securities certificates.

This, in turn, facilitates the prompt and accurate clearance and settlement of securities transactions and is a major step in removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited and were not received.

The proposed change will not impose any burden on competition. Rather, the proposed change will encourage competition. By establishment of a nationwide system for movement of securities by bookkeeping entry, the ability of any broker-dealer to clear and settle trades anywhere in the country will be enhanced and geographical barriers to competition will be minimized.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within three weeks after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

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

OCTOBER 8, 1975.

[FR Doc.75-28002 Filed 10-16-75;8:45 am]

[Release No. 34-11724; File No. SR-PSE-75-4]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 7, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed change establishes a satellite facility in Seattle, Washington for handling securities receipts and deliveries for local brokers and banks for processing at the San Francisco and Los Angeles offices of Pacific Securities Depository Trust Company ("PSD") and Pacific Clearing Corporation ("PCC").

Pursuant to the establishment of the satellite facility, participants in the Seattle, Washington and Portland, Oregon area could:

1. Use the facility to make deliveries to and obtain receipts of securities from PSD and PCC;

2. Input forms for bookkeeping movements of securities in connection with clearance and settlement of securities; and

3. Become linked with other clearing corporations and depositories by means of interfaces available through PSD and PCC.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Seattle facility is to provide access for broker-dealers, banks and other qualified users in the Seattle area to the depository and clearing operations of PSD and PCC.

The Seattle facility increases the capacity of PSD and PCC to facilitate prompt and accurate clearance and settlement of securities transactions for a broader group of broker-dealers; increases the ability of broker-dealers and other qualified users outside of the San Francisco and Los Angeles area to become participants in the clearing and depository operations of PCC and PSD; and, by making clearing and depository services available in Seattle, helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited from participants. PSD and PCC officials did, however, hold meetings in Seattle, Washington and Portland, Oregon to determine the interest of firms in those cities in the Seattle Facility. At these meetings several broker-dealers and banks commented that they believed such a facility was needed and that they would expect to use it.

The Seattle facility will not impose any burden on competition. Rather, the facility will encourage competition. It will do this by making available to firms in the Northwest region clearing and settlement methods not previously economically feasible for such firms. These firms will thus be better able to compete for business with larger firms headquartered in the nation's money centers.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 3 weeks after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 10, 1975.

[FR Doc.75-28027 Filed 10-16-75;8:45 am]

[Release No. 34-11718 Ftile No. SR-PBWSE-75-3]

PBW STOCK EXCHANGE, INC.

Filing of Proposed Rule Change and Order Declaring Rule Change Effective

Notice is hereby given that the PBW Stock Exchange, Inc ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, a national securities exchange registered with the Commission pursuant to Section 6 of the Securities Exchange Act of 1934 (the "Act"), filed with the Commission pursuant to Subsection 19(b)(1) of the Act a proposed amendment to its Rule 1037 which would raise from $2.00 to $3.00 the price under which options may be traded on that exchange in sixteenths. Such options are presently traded in eighths. The purpose of the rule is to permit tighter markets and greater price flexibility in these options.

The text of PBW's Rule 1037 is as follows (Brackets indicate words to be deleted and italics indicate words to be added.):

Rule 1037: The minimum fractional change for dealings on the Exchange in option contracts shall be one-eighth point in option contracts trading at ($2.00) *$3.00* per share per option or higher, and one-sixteenth point in option contracts under ($2.00) *$3.00* per share per option. However, different minimum fractional changes for dealings in option contracts may be fixed by the Exchange from time to time for option contracts of a particular series.

The Commission finds good cause for approving the amendment before the thirtieth day after publication of the filing because (1) the regulatory and policy issues involved are substantially the same as those raised by a similar change in the CBOE's rules which was published in the FEDERAL REGISTER at 40 FR 15015 (April 4, 1975) and 40 FR 17355 (April 18, 1975), and (2) the Commission is not aware of any substantial reason to treat PBW differently than CBOE in this matter, and (3) the amendment will help eliminate confusion arising from the difference in CBOE and PBW rules.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the amendment to PBW Rule 1037 be, and the same hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning this submission on or before November 21, 1975. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PBWSE-75-3.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1975.

[FR Doc.75-27995 Filed 10-16-75;8:45 am]

[Release No. 34-11708; File No. S7-592]

STREET NAME STUDY

Solicitation of Comments

The Securities and Exchange Commission requests interested persons to submit views, data and arguments on issues to be considered in connection with the "Street Name Study" mandated by the Securities Acts Amendments of 1975 ("1975 Amendments").[1]

Section 12(m) of the Securities Exchange Act of 1934 (the "Act") directs the Commission to undertake a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner of such securities and to determine (1) whether such practice is consistent with the purposes of the Act with particular reference to Sections 12(g), 13, 14, 15(d), 16, and 17A of the Act[2] and (2) whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice. The Commission is directed to report to Congress its preliminary findings by December 4, 1975, and its final conclusions and recommendations by June 4, 1976.

The practice of recording stock ownership in other than the name of the beneficial owner entails the use of "street" and "nominee" names.

"Street name" is a term used by the securities industry to denote stock registered in the name of a brokerage firm or its nominee. Such stock frequently belongs to customers of the firm but is held by the brokerage firm in its own name for several reasons—principally the fact that such registration facilitates trading by the customer and completion of the transaction by the broker-dealer.[3] For example, when a customer wishes to sell stock held by his broker and registered in street name, the customer need only notify the broker. The need for delivery by the customer to his broker of

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[1] P. L. 94-29 (June 4, 1975).

[2] Section 12(g) in general requires registration of any class of equity security (other than an exempted security) of certain issuers which have more than $1 million in total assets if the security is held of record by more than 500 persons; Section 13 requires the filing of certain reports by issuers and certain owners of securities registered pursuant to Section 12 and limits purchases by an issuer of its own securities where the securites are registered under Section 12; Section 14 relates to proxies; Section 15(d) requires issuers which have filed a registration statement pursuant to the Securities Act of 1933 to comply with the reporting requirements of Section 13 if the security to which the registration statement relates is held of record by more than 300 persons but is not registered pursuant to Section 12; Section 16 requires reports from and places certain trading restrictions on officers, directors and specified principal stockholders of issuers which have a security registered pursuant to Section 12; and Section 17A directs the Commission, among other things, to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.

[3] In addition, customers who purchase securities on margin must leave the shares with the broker-dealer who extends the margin credit. Such shares normally are registered in street name.

the certificates and the execution of a signature guarantee and stock power to authorize transfer are eliminated. Moreover, in many circumstances delivery by one broker to another broker of stock registered in street name and endorsed in blank constitutes "good delivery".[4] The transaction completion process is facilitated because the buying broker will accept from the selling broker securities registered in street name and endorsed in necessarily the selling broker's street name) and the buying broker-dealer may in turn redeliver such securities to another broker-dealer in each case without the need to effect transfer of record ownership prior to delivery. Thus numerous routine transfers are eliminated.

"Nominee name" reflects arrangements used principally by institutional investors (insurance companies and investment companies, among others) and financial agents (banks and trust companies) for the registration of securities held by them for their own account or the account of customers. In most instances the nominee is a partnership formed solely for the purpose of acting as the record holder of the securities.[5] While nominee name certificates are not generally "good delivery" between brokers, the institution can, through the use of a nominee name arrangement, more regularly and efficiently transfer its certificates to complete a sale.[6] If a certificate is not registered in a nominee arrangement, transfer agents may require proof of authority which they would not otherwise require.

More recently nominee name arrangements have been used by clearing agencies[7] and particularly securities depositories which hold stock on behalf of their participants (broker-dealers, institutional investors and financial agents) for the purpose of permitting those participants to effect the settlement of transactions and the transfer or pledge of securities among themselves by book entry and without physical delivery of certificates. Since the late 1960's the performance of transaction completion functions by clearing agencies has been facilitated further through the increased use of automation.

[4] "Good delivery" means the certificates are in a form and have such documentation attached that the buying-broker-dealer must under industry practice accept such securities and pay for them.

[5] The nominee is typically an assumed name and not the business name of the underlying entity.

[6] Partnerships are used as nominees primarily because a partnership can transact business by any of its general partners. Transfers of securities are facilitated because a single individual can endorse the certificates for transfer and the transfer agent will recognize the individual's authority to effect transfers on behalf of the partnership. A corporation on the other hand, may need a resolution of its board of directors and other documentation in order to effect transfers of securities. Thus the partnership arrangement facilitates handling of securities by the institution.

[7] As defined in Section 3(a)(23) of the Securities Exchange Act of 1934. Many nominees such as banks or investment companies act not merely as custodians for securities but are charged, to some degree, with management of the securities held. Securities depositories, however, act strictly as custodians and forwarding agents for participants, and perform certain services (e.g., effecting pledges) in accordance with participants' instructions.

[8] "Fails" are transactions which are not completed by settlement date.

[9] "Beneficial ownership" may be used in the economic sense (the right to receive the financial benefits of shareownership) or in the voting sense (the right to vote the shares of the corporation) or in terms of investment discretion (the right to dispose of the securities) or all three.

[10] For example, a customer in the Midwest may deal with a broker in his hometown which in turn uses a correspondent broker in New York which in turn deposits securities in a depository.

[11] *See* the record of the Public Fact Finding Investigation Concerning Beneficial Ownership, Takeovers, and Acquisitions by Foreign and Domestic Persons, File No. 4-175.

Discussion

The benefits to the financial community of nominee and street name registration—the avoidance of multiple routine transfers, the significant economies of the book-entry depository, and the decrease in the level of fails[8] which occurs when clearing agencies are used to complete transactions—contribute to faster transaction processing and lower cost. Furthermore, the use of street or nominee arrangements facilitates the transfers of record ownership which do occur. Reviewing the last five years in the securities industry, it appears that the methods of clearance and settlement which have developed have substantially alleviated the "back office" problems endemic in the late 1960's and that it would be difficult for the securities industry to handle periods of heavy volume through present processing systems without the use of street or nominee names.

Nevertheless, the use of street and nominee names has serious drawbacks. It places one or more layers between issuers and the beneficial owners of their stock[9] which may make issuer-shareholder communications more difficult and expensive.[10] The street or nominee names reflected on the issuer's books as owners of record are not the beneficial owners, that is the persons entitled to receive dividends, vote on matters presented to stockholders, dispose of the stock or otherwise exercise the prerogatives of ownership. If the record owner is not the beneficial owner, the issuer cannot contact the beneficial owner directly, nor can the beneficial owner directly exercise the prerogatives or receive the benefits of ownership. Both must act through one or more intermediaries—the brokerage firm or financial agent, and perhaps the depository.

Issuers assert that such intermediaries impede the communications process so that beneficial owners do not receive proxy and information statements or other mailings in a timely manner.[11] Furthermore, issuers suggest they are entitled to a communications system that does not depend on intermediaries but rather enables issuers to communicate with their shareowners directly and thus, for example, react more effectively to adverse tender offers by bringing management's position before the shareholders more quickly or perhaps by making personal contact.[12] Beneficial owners who leave their holdings in street or nominee name with their broker also assert that proxy or other mailings are sometimes unnecessarily delayed.[13]

The Commission has attempted in the past to measure the parameters of this problem. In Securities Exchange Act Release No. 11243 (Feb. 13, 1975) (40 FR 7508), the Commission requested issuers, brokers, banks, proxy soliciting agents, and the public to report to the Commission or to the appropriate securities exchange or the National Association of Securities Dealers, Inc. (with a copy to the Commission), any specific problems encountered in the issuer-shareholder communications process, including specific instances where participants in the process appeared to impede the timely flow of material and any complaint which an issuer or broker received from a beneficial owner. There were very few responses to this request for information, however. In late 1974 the Commission held a public investigatory hearing which among other things considered the issuer-shareholder communications problem. As a result, the Commission has proposed a rule to help improve the current communications process.[14]

The Commission (and Congress through its mandate to the Commission) believes it is appropriate to explore further the scope of the problem created by the use of street and nominee names primarily to determine whether the existing communication process can be further improved by rulemaking or

[12] *Id.*

[13] See communications received in response to Securities Exchange Act Release No. 11243 (February 13, 1975) (40 FR 7508), File No. S7-552.

[14] Securities Exchange Act Release No. 11617 (August 25, 1975) (40 FR 42219). Proposed Rule 14b-1 would require a registered broker to (1) respond promptly, by means of a search card or otherwise, to inquiries made by issuers in accordance with Rule 14a-3(d) with respect to how many of the broker's customers are beneficial owners of the issuer's securities which are held of record by the broker or its nominees and (2) upon receipt of a sufficient number of proxy statements and annual reports to security holders and assurances that its reasonable expenses shall be paid by the issuer, to forward such materials in a timely manner to such customers. As an alternative to complying with the foregoing obligations, the proposed rule would permit a registered broker to furnish an issuer with a list of its customers who are beneficial owners of the issuer's securities held of record by the broker or its nominees provided that the broker also furnished authorization to vote such securities in accordance with instructions of the customer. A note to the proposed rule makes clear that a broker furnishing such a list to an issuer may impose reasonable conditions upon the issuer's use of such a list.

whether more extensive changes are needed.

In addition to considering the issuer-shareholder communications problems created by the use of street or nominee names, the Commission believes it is appropriate to continue to review the impact such registration has on the disclosure of beneficial ownership. The practice of using street or nominee registration may impede the public availability of information with respect to beneficial owners of significant positions in publicly held companies. While holdings of specific size must be diclosed under Sections 13 and 16 of the Act, and certain types of transactions are required to be reported to the Commission under Sections 14 and 16 of the Act, it is argued that beneficial owners may use street or nominee name arrangements to delay or avoid necessary reporting or to mask activities which could entail civil liabilities or criminal sanctions. Secrecy laws of other countries can compound that problem and defeat legitimate national interests in knowing the beneficial ownership of United States public corporations.[15] Finally, ownership reports which reflect certain kinds of record ownership (e.g., Cede & Co., the nominee for the Depository Trust Company) may be confusing to interested persons who cannot be expected to be cognizant of the intricacies of street name or nominee name arrangements.

Effective appraisal of the benefits of street or nominee name arrangements and the problems those arrangements create in accomplishing the purposes of the Act and improving the issuer-shareholder communications process will be facilitated by receipt of additional information from those who have been involved in that communications process. Accordingly, the Commission requests shareowners, proxy solicitation agents, broker-dealers, banks, financial institutions and other intermediaries to forward to the Commission their views, data and arguments regarding the effectiveness and costs of the current system of issuer-shareholder communications and regarding possible alternatives which would retain or even increase the transactional efficiencies currently permitted by the use of street and nominee names. The Commission also urges shareowners to relate to the Commission their experiences in obtaining proxy and information statements and other communications when the underlying stock is held in street or nominee name. Finally the Commission requests the views of interested persons as to the way in which the system of recording share ownership may be used to effect appropriate disclosure of beneficial holdings.

The testimony of persons at the public investigatory hearing,[16] the comments of interested persons on proposed Rule 14b-1[17] and the comments of interested persons in response to Securities Exchange Act Release No. 11243[18] will be considered and such persons, to the extent of their previous comments, need not comment again.

The comment period will remain open until October 31, 1975, and comments received will be considered in connection with the preliminary report to Congress to be submitted in December 1975. All communications should be sent to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, should bear the File No. S7-592, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 3, 1975.

[FR Doc.75-28004 Filed 10-16-75;8:45 am]

[15] *See* the record of the Public Fact Finding Investigation, *supra* note 11.
[16] *Supra*, note 11.
[17] *Supra*, note 14.

[18] *Supra*, note 13.

[Rel. No. 19205; 70-5742]

ALLEGHENY POWER SYSTEM, INC.

Proposal of Holding Company To Act as Surety for Subsidiary Company

OCTOBER 10, 1975.

Notice is hereby given that Allegheny Power System, Inc. ("APS") 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

APS proposes to act as surety for its electric utility subsidiary company, The Potomac Edison Company of West Virginia ("PE W. Va.") in connection with a certain PE W. Va. rate proceeding now pending before the West Virginia Public Service Commission ("state commission"). PE W. Va. has filed tariffs with the state commission containing a revision of rates and charges. The state commission has suspended these tariffs until November 26, 1975, and has commenced an investigation into the reasonableness thereof. No final order has been issued by the state commission in this matter and the state commission investigation is continuing.

APS will act as surety for PE W. Va. in such amount as shall be determined by the state commission for prompt refund by PE W. Va. of the amounts filed with the state commission on June 30, 1975. The amount of the bond will not exceed $4,500,000, which is the estimated additional annual revenue that the new rates will provide. In the event the amount of the bond ordered by the state commission shall exceed that amount, APS will not execute the bond without a further order of this Commission.

It is stated that aside from the rate proceeding described herein, no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses of APS or any associate company to be incurred in connection with the proposed transaction, including legal fees, are estimated not to exceed $200.

Notice is further given that any interested person may, not later than November 5, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the 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 declaration, as amended or as it may be further amended, may be 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.75-28000 Filed 10-16-75;8:45 am]

[Rel. No. 19206; 70-5744]

ARKANSAS POWER & LIGHT CO.

Proposed Issue and Sale of Preferred Stock at Competitive Bidding

OCTOBER 10, 1975.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6 (b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Arkansas proposes to issue and sell 400,000 shares of a new series of cumulative Preferred Stock ("preferred stock"), $100 par value, subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the preferred stock (which will be a multiple of 1/25 of 1%) and the price to be paid to Arkansas (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The preferred stock will not be redeemable prior to November 1, 1980, through the use of borrowed funds, or funds derived from sale of additional preferred stock, at an effective cost to Arkansas lower than the cost of the proposed preferred stock.

The terms of the preferred stock may include provisions for a sinking fund designed to redeem at $100 per share, plus accumulated dividends, 20,000 shares on each November 1 commencing in the year 1980. Arkansas may also have a non-cumulative option to redeem an additional 20,000 shares on each November 1 during the sinking fund redemption period.

Arkansas proposes to utilize the net proceeds from the issuance and sale of the preferred stock to repay short-term borrowings incurred for the purpose of financing its construction program (estimated to total $180 million for 1975). Such short-term borrowings will aggregate an estimated $30 million at the time of the aforementioned sale.

Fees and expenses incident to the proposed transaction are estimated at $126,000, including counsel fees of $39,000 and accountants' fees of $12,000. The fees of counsel for the successful bidders are estimated at $15,000, to be paid by the successful bidders.

The proposed transaction has been approved by the Arkansas Public Service Commission. The application states that the Tennessee Public Service Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 4, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27993 Filed 10-16-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of BBI, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 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 October 11, 1975 through October 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27981 Filed 10-16-75;8:45 am]

[File No. 81-188]

COMMERCIAL SOLVENTS CORP.

Notice of Application and Opportunity for Hearing

OCTOBER 7, 1975.

Notice is hereby given that Commercial Solvents Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be included in or filed with an application or registration statement filed pursuant to such Section 12 and such annual reports and such quarterly reports as the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of Section 13 of the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. Applicant, a Maryland corporation, is a wholly-owned subsidiary of International Minerals & Chemical Corporation ("IMC"). IMC and its subsidiaries operate in three general business or product lines: phosphate and potash for the fertilizer industry; industrial minerals for the ceramics and glass industries; and a variety of raw materials for the iron and steel industry. In addition, IMC manufactures animal feed products and industrial chemicals. CSC manufactures and sells chemicals and chemically derived specialty products for human use, for agriculture and for use in chemical and other industries.

2. In 1966, Applicant issued $20,000,000 principal amount of 4½% Convertible Subordinated Debentures, due July 1, 1991 (the "Debentures"), of which about $12,500,000 aggregate principal amount remain outstanding.

3. As a condition of the granting of this application, IMC would agree (a) to guarantee all interest, principal, premium, if any, sinking fund and conversion payments of the Debentures and (b) to provide The Chase Manhattan Bank (National Association), as Trustee under the related Indenture dated as of July 1, 1966, with IMC's 1934 Act reports and the Debentureholders with its Annual Reports to Shareholders (and Forms 10-K upon request).

4. None of the securities of the Applicant (other than the Debentures) are presently held by any person other than IMC.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that none of the securities of the Applicant (other than the Debentures) are held by any person other than IMC and that, since the Debentures will be fully and directly guaranteed by IMC, it is the 1934 Act Reports of IMC and not those of Applicant in which reasonable investors would be primarily interested. Additionally, continued reporting would be burdensome on and expensive to Applicant.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than October 31, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desir-

ability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W. Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

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

[FR Doc.75-27997 Filed 10-16-75;8:45 am]

[Rel. No. 19204; 70-5746]

DELMARVA POWER & LIGHT CO.

Proposal To Issue and Sell Common Stock Through Dividend Reinvestment and Common Share Purchase Plan

OCTOBER 9, 1975.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell up to 300,000 shares of its common stock, par value $3.37½ per share, to the holders of record of its outstanding common stock. Such new shares will be issued through a voluntary dividend reinvestment and common share purchase plan ("Plan"), under which shareholders may elect to invest regular cash dividends and/or optional cash payments of between $25 and $3,000 per quarter in such additional shares. It is stated that the purchase price will be the average of the highest and lowest prices on the New York Stock Exchange on the pricing date, which will normally be the last day of the month. The net proceeds from the sale of shares pursuant to the Plan, assuming all shares are sold at $11.00 per share, will amount to $3,300,000 and will be applied to Delmarva's construction program.

The Plan will be administered by BT Bradford Stock Service, Inc., an affiliate of Bankers Trust Company of New York ("Bank"), which will serve as agent for the Plan participants. All shares purchased will be held for the exclusive benefit of the Plan participants. All record holders of Delmarva's outstanding common stock are eligible to participate in the Plan and may join by executing an authorization form and returning it to the Bank. A participant may withdraw from the Plan at any time upon giving written notice to the Bank. Upon withdrawal, certificates for whole shares credited to a participant's account will be issued and a cash payment will be made for any fractional share.

It is stated that all costs for administering the Plan will be paid by Delmarva and that there will be no brokerage fees when shares are purchased under the Plan. However, if participants withdrawing from the Plan request the Bank to sell all whole and fractional shares credited to their account, there will be brokerage commissions and transfer taxes.

The Bank will not vote any shares held by it under the Plan. Participants will receive a single proxy with respect to full shares which they own of record or which are credited to their accounts under the Plan.

The fees and expenses incurred or to be incurred in connection with the proposed transaction are estimated to aggregate $105,000, including accounting fees of $10,500, Bank administration fee of $25,000, and legal fees of $6,000. It is stated that The Public Service Commission of Delaware has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 14, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the 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 declaration, as filed or as it may be amended, may be 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 its rules under the Act 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.75-27998 Filed 10-16-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 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 October 14, 1975 through October 23, 1975.

By the Commission.

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

[FR Doc.75-27982 Filed 10-16-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 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 October 14, 1975 through October 23, 1975.

By the Commission.

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

[FR Doc.75-27983 Filed 10-16-75;8:45 am]

[Rel. No. 8978; 812-3648]

NARRAGANSETT CAPITAL CORP.

Filing of Application

OCTOBER 8, 1975.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), 40 Westminster Street, Providence, Rhode Island 02903, a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), and a licensed small business investment company under the Small Business Investment Act of 1958, has filed an application on May 30, 1974, and amendments thereto on March 4, July 29, and September 24, 1975, for an order, pursuant to Section 17(b) of the Act, exempting from the provisions of Section 17(a) of the Act, and pursuant to Rule 17d-1 under the Act, permitting under Section 17(d) of the Act, certain proposed transactions which are to be made in connection with the reorganization under Chapter XI of the Bankruptcy Act of the financial structure of Bevis Industries, Inc. ("Bevis"), a Rhode Island corporation with its principal offices located in White Plains, New York.

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.

Bevis is engaged in the business of, *inter alia*, manufacturing and selling Christmas cards; Narragansett owns approximately 36.2% of that company's outstanding common stock, and thus is presumed to control Bevis pursuant to Section 2(a)(9) of the Act. In early 1974, Bevis, finding itself with insufficient liquid working capital, sought additional loans from its institutional lenders, which included Narragansett and Industrial National Bank of Rhode Island ("Industrial"). However, the Board of Directors of Narragansett determined that it would not be in the best interests of Narragansett's shareholders to make a further extension of credit to Bevis.

Industrial, on the other hand, agreed to extend further credit to Bevis, provided that, among other things, (a) Bevis file a petition for an arrangement under Chapter XI of the Bankruptcy Act, and (b) the principal equity owners of Bevis—Narragansett, Royal Little ("Little"), and Bernhardt Denmark ("Denmark")—make a significant contribution to working out Bevis' problem.

Little, who is Chairman of the Executive Committee and a Director of Narragansett and a former Chairman of the Board and Director of Bevis, owns approximately 3% of Bevis' outstanding stock. Denmark is President, Chief Executive Officer, and a Director of Bevis, and owner of approximately 21.6% of its outstanding common stock. Industrial has been the principal institutional lender to Bevis in recent years. A Senior Vice-President of Industrial is a Director of Bevis, and one Director of Industrial is a Director of Narragansett. Industrial also owns, through a wholly-owned small investment company subsidiary, 10% of the shares of Main Line Fashions, Inc., of which Narragansett owns 45%.

On April 15, 1974, Bevis filed a petition for an arrangement with the United States District Court for the Southern District of New York (No. 74-B 436). Pursuant to the Chapter XI proceeding, an Official Creditors Committee of Bevis was appointed. Neither Narragansett nor its representatives participated on this committee. The committee agreed upon a Debtor's Arrangement which was filed with the court by Bevis on December 16, 1974, and was later amended by court orders on December 30, 1974 and April 14, 1975, and confirmed by the court on April 23, 1975. The Debtor's Arrangement, as approved by the court, provided for, among other things, full payment to priority creditors, and payment to general unsecured creditors as follows: (i) full payment in cash of claims up to $100; (ii) payment in cash of 12½% of claims amounting to more than $100, other than claims of Industrial; and (iii) full payment of Bevis' indebtedness of $921,000 to Industrial. Pursuant to the Debtor's Arrangement, Industrial advanced to Bevis the full amount of its indebtedness to Industrial of $921,000 as a term loan which is to be repaid by Bevis subject to specified terms. The full amount of this loan by Industrial is secured by a lien on all of Bevis' assets.

On May 2, 1975, Industrial and Bevis entered into an agreement ("May Agreement") under which Industrial advanced to Bevis the $921,000 mentioned above. In addition, Industrial committed advances to Bevis during 1975 of up to approximately $4,000,000, subject to, among other things, Commission approval of the consideration to be paid for such loan. These advances would bear interest at 2% above Industrial's prime rate in effect from time to time, and are secured by a first security lien on all of Bevis' assets. Under the May Agreement, Bevis has agreed, among other things, to grant to Industrial the following consideration, subject to Commission approval:

(a) Additional compensation, up to a maximum of $450,000, equal to 25% of the difference between (i) the net worth of Bevis determined as of April 23, 1975, plus $100,000, and (ii) the net worth of Bevis at the close of its 1979 fiscal year. Industrial has the right to require the determination of such compensation under the same formula to be based on the net worth of Bevis at the close of earlier fiscal years, but limited to a maximum of $350,000 through 1978, $250,000 through 1977, or $150,000 through 1976. Payment of such additional compensation is contingent upon Industrial's continued financing of Bevis' reasonable financial requirements, if requested by Bevis, through the 1979 fiscal year, or such earlier fiscal year as for which Industrial chooses to require the additional compensation; and

(b) The right to purchase 225,000 shares of Bevis' common stock at its par value of $.10 per share, which shares contain certain put and call provisions.

Failure of the Commission to grant this application constitutes a default under the May Agreement and, in such event, Industrial has the right to accelerate maturity of all loans. In addition, Bevis has guaranteed certain obligations of Bevis' wholly-owned subsidiary, Necro Realty, Inc., on a mortgage in favor of Industrial on properties leased by Bevis.

The application states that, in order to induce Denmark to continue as Chief Executive Officer of Bevis beyond the existing term of his employment agreement, Denmark's employment agreement will be amended, subject to Commission approval, to increase his share of the annual pre-tax profits of Bevis from 2% to 5%. Bevis has also agreed, subject to Commission approval, to sell to Denmark 400,000 shares of Bevis' common stock at $.10 per share; to sell to Stanley Goldstein, ("Goldstein"), who until April 1, 1974, was Secretary of Bevis, 50,000 shares at $.10 per share; and to sell to Daniel Kaplan ("Kaplan"), a Vice-President of Bevis, 25,000 shares at $.10 per share. Bevis has further agreed, subject to Commission approval, to lend Denmark and Kaplan up to an aggregate of approximately $40,000, to be repaid one year after the date of each advance with interest at the rate of 4%, for the purpose of acquiring such shares.

The application suggests that, as a result of their stockholdings in Bevis or other circumstances, Industrial, its designee, Denmark, Kaplan and Goldstein are, under Section 2(a)(3) of the Act, affiliated persons of, or affiliated persons of affiliated persons of, Narragansett or Bevis, a company controlled by Narragansett.

Section 17(a) (2) and (3), respectively, prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from purchasing from such registered investment company, or from any company controlled by such registered company, any security or other property (except securities of which the seller is the issuer), and from borrowing money or other property from such registered investment company, or from any company controlled by such registered company (unless the borrower is controlled by the lender) except as permitted in Section 21(b) of the Act. Under Section 17(b) of the Act, however, the Commission may, upon the filing of an application, exempt a transaction from the provisions of Section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, unless an application regarding such transaction has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such transaction is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Narragansett requests an order exempting from the provisions of Section 17(a) of the Act the purchase by Denmark, Kaplan and Goldstein of shares of Bevis' common stock and the borrowing by Denmark and Kaplan of money from Bevis to pay for such purchase. Narragansett also requests an order permitting under Section 17(d) of the Act and Rule 17d-1 thereunder the following: (a) the repayment by Bevis of the term loan in the manner described; (b) the additional consideration to be paid Industrial as consideration for its advances; (c) the purchase by Industrial's designee of 225,000 shares of Bevis'

common stock; (d) the put and call provisions of these shares of Bevis' common stock to be purchased by Industrial; (e) the modification of Denmark's employment agreement increasing his percentage of the annual pre-tax profits of Bevis; and (f) the purchases of shares of Bevis by Denmark, Kaplan and Goldstein, and the related borrowings from Bevis by Denmark and Kaplan.

With respect to the transactions described above which involve Industrial, Narragansett states that continued financing of Bevis was essential for its recovery. A bankruptcy liquidation, Narragansett states, would result in little, if any, recovery for Narragansett, either as a subordinated creditor or stockholder. Narragansett also suggests that Industrial alone was willing to extend credit to Bevis, and that the only practical alternative to liquidation of Bevis was to accept Industrial's terms. Narragansett represents that Industrial dealt on a totally arms-length basis with both Bevis and Narragansett on these transactions. Narragansett further states that although its equity position in Bevis has been somewhat reduced, it nevertheless maintains a potential for recovery in the event Bevis recovers from its present financial difficulties.

With respect to the transactions described above which involve Denmark, Kaplan, and Goldstein, Narragansett states that Industrial believed that the success of Bevis depended on the continued management of Bevis by Denmark for up to five years. Narragansett also states that, because of the reduced profit opportunities now available to Bevis and in order to provide Denmark with an incentive to achieve a recovery for Bevis without burdening Bevis if such efforts were unsuccessful, it was deemed appropriate by the Board of Directors of Bevis, with the acquiescence of Industrial to increase his profit participation from 2% to 5% and to increase his equity interest through a sale to him of an additional 400,000 shares of Bevis. Narragansett states that Denmark has undertaken not to sell any of the 400,000 shares prior to December 31, 1977, and that the amount was reached through arms-length negotiation. Narragansett also states that Kaplan occupies an important executive position in the management of Bevis, and in order to stimulate his efforts to achieve a recovery of Bevis without burdening Bevis in the event such efforts were unsuccessful, Industrial, with the acquiescence of Narragansett, deemed it appropriate to make available to him an equity interest in Bevis through the sale to him of its shares. The number of shares was agreed upon, Narragansett states, through arms-length negotiation. Narragansett also states that Goldstein made significant contributions to the ongoing operations of Bevis, and in order to encourage his continuing participation, it was deemed desirable to make available to him an equity interest in Bevis through the sale to him of its shares. The number of shares, Narragansett states, were agreed upon through arms-length negotiation. Narragansett states that neither Kaplan nor Goldstein is or has been a Director of Bevis. Narragansett further states that Denmark, Kaplan and Goldstein are not stockholders, directors or officers of Narragansett; have no affiliation with Narragansett or Little apart from their position or former position with Bevis; have no family relationship with any officer or director of Narragansett; and have no prior business dealings with or engaged in any ventures with Narragansett or any of its officers or directors.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 28, 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, and 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 Narragansett 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 matter 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.75-27996 Filed 10-16-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

SEPTEMBER 9, 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 October 10, 1975 through October 19, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27999, Filed 10-16-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 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 October 14, 1975 through October 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27984 Filed 10-16-75;8:45 am]

[File No. 500-1]

W. T. GRANT CO.

Suspension of Trading

OCTOBER 8, 1975.

The common stock of W. T. Grant Company being traded on the New York Stock Exchange, the Boston Stock Exchange and the Midwest Stock Exchange, the 4¾% sinking fund debentures due 1987, the 4% convertible subordinated debentures due 1990, and the 4¾% convertible subordinated debentures due 1996 listed on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of W. T. Grant Company 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 midnight EDT on October 8, 1975 and continuing through midnight EDT on October 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-27994 Filed 10-16-75; 8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–September, 1975

5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first nine months of 1975 in order to notify the public of the availability of these indexes for sale and/or public inspection.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW, Washington, D.C. 20250.
Do.	Marketing quota. Review committee determinations; 1969–1974; listing by crop-year of all decisions made on marketing quota appeals.	do	Do.
Do.	Board of contract appeals decisions; 1969–1974; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do.	CCC Board dockets; 1969–1974; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Rural Electrification Administration.	Index of current REA publications—electric program as of Feb. 25, 1975, with supplement thereto updating the Index to Sept. 30, 1975. An alphabetic and numerical index of REA electric program bulletins, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250. No charge.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250.
Do.	Index of current REA publications-telephone as of Mar. 18, 1975, with supplement thereto updating the Index to Sept. 30, 1975. An alphabetic and numerical index of REA telephone program bulletins, contract forms, specifications, sections of the telephone engineering and construction and telephone operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0-9). Apr. 4, 1975. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation Shelf stock, $2.80 per copy; reproduced copies, $6.00 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do.	Guide to indexes, catalogs, and lists of departmental publications (AFR 0-1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Numerical index of standard publications and recurring periodicals (AFR 0-2). June 6, 1975. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force installation. Shelf stock, $2.75; reproduced copies $5.50; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Miscellaneous Air Force and other Government agency publications (AFR 0-16). Oct. 1, 1974. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.00 per copy; reproduced copies, $2.15 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Publications Numbering Systems (AFR 5-4). February 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.43 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Department of the Army, TAGCEN, Army Publications Directorate.	DA Pamphlet 310-1, Index of Administrative Publications, Regulations, circulars, pamphlets, posters, general orders, Joint Chiefs of Staff publications and DOD publications. Basic dated November 1973 with change 3, Aug. 30, 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA Pamphlet 310-2, Index of Blank Forms. Basic dated May 1974 with change 1, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310-3, Index of Doctrinal, Training, and Organizational Publications. Field manuals, reserve officers' training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables, and trajectory charts, tables of organization and equipment, distribution and allowances. Basic dated August 1973 with change 4, August 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310-4, Index of Technical Manuals, Technical Bulletins, Supply Manuals (types 7, 8, and 9), Supply Bulletins, and Lubrication Orders. Basic dated November 1974 with change 1, February 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310-6, Index of Supply Catalogs and Supply Manuals. Basic dated July 1974 with change 1, January 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310-7, Index of Equipment Modification Work Orders, December 1974.	do	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Defense Nuclear Agency (DNA).	Index to administrative publications; Feb. 28, 1974 with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, research and development, logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, attention: PAO, Washington, D.C. 20305. $1 by Xeroxing, $0.35 by printing run. Checks payable to: Treasurer of the United States.	
Do	Government reports index; biweekly annual cumulation. Description: Indexes DNA and other Government sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI), Instructions; Mar. 27, 1974, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, attention of: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pp. at $0.05 per page ($0.45). Payable to Treasurer of the United States.	
Defense Nuclear Agency Field Command.	FCDNA Instruction 5025.8; Oct. 1, 1974 with changes. Description: Current Index to Field Command Instructions.	Field Command, Defense Nuclear Agency, attention of Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Supply Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, procurement circulars, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Department of Health, Education, and Welfare, Food and Drug Administration (DHEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do	Do.
Do	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $55. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts: (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Instrument Operations Manual. Provides guidelines for analysis by instrumentation using the gas chromatograph, atomic absorption, nuclear magnetic resonance, and mass spectrograph. Provides brief, concise, operating instructions augmenting manufacturers' manuals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Vitamin Analytical Manual. For use and guidance of analytical chemists who are assigned to assay vitamin products offered for human and for animal use.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Extracts from annual subject indexes published by the FEDERAL REGISTER relating to food and drugs from 1967 to date.	....do....	Do.
U.S. Government Printing Office (GPO).	Bacteriological Analytical Manual. Prepared to establish and maintain in FDA laboratories uniform analytical procedures for qualitative and quantitative determination of micro-organisms in foods, drugs, cosmetics, etc. Provides mechanism for informing other government agencies, industry, etc. of bacteriological methods commonly used in FDA district laboratories.	Superintendent of Documents, U.S. Government Printing Office, $2.80. Checks to GPO, Washington, D.C. 20402. (Stock No. 1712-00162.)	Superintendent of Documents, GPO, Washington, D.C. 20402.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act (FOIA) Index; July 4, 1967, to June 30, 1975; The NIH FOIA index is composed of 12 sections plus an additional section of FOIA indexes for component organizations of NIH. The 12 sections are: Index of NIH manual releases; NIH supplements to HEW staff manuals, division of personnel management instructions and circulars; index of instruction and information memoranda issued by NIH/OD components; Office of Director central files classification guide; index of NIH guide for grants and contracts; index of decisions by the NIH Grants Appeals Board; index of permits and licenses for shipment of etiologic agents and vectors (NIAID); index of rhesus monkeys certificates (DRR); NIH Division of Engineering Services instruction manual index; index of NIH publications; reference set of PHS grants and awards, current awards report; and index of active and inactive correspondence (ES/NIH).	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds 5 dollars. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301) 496-4461.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bonneville Power Administration.	Bonneville Power Administration information index.	The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting: Bonneville Power Administration's Public Information Office, 1002 NE., Holladay St., Portland, Oreg. 97208, or the Washington, D.C., office, 5600 Interior Bldg., Washington, D.C. 20240.	Bonneville Power Administration offices listed in previous column or BPA area offices at the following: 919 Northeast 19th Ave., Portland, Oreg. 97208; 415 1st Ave. N., Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 East 7th St., Eugene, Oreg. 97401; Highway 2 E., Kalispell, Mont. 59901; U.S. Federal Office Bldg., Wenatchee, Wash. 98801; and 531 Lomax St., Idaho Falls, Idaho 83401.
Department of Justice, Immigration and Naturalization Service.	1. Administrative Decisions under Immigration and Nationality Laws of the United States. Vols. 1 through 13 (Decisions Board of Immigration Appeals) last vol. No. 13.	1. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. $6.05 domestic prepaid. $5.50 G.P.O. bookstore.	1. Associate Commissioner, Management, INS, 425 I St., Washington, D.C. 20536.
Do	2. Published Interim Decisions of the BIA (not yet bound in book form)—precedent decisions from I.D. #2116 to last published—#2346).	2. Superintendent of Documents, G.P.O. (as above). Subscription—domestic $11.50 year—$3.00 additional for foreign mailing—single copies vary in price.	2. For inspection contact (1) above.
Do	3. Supplemental Indexes to vol. 13 I. & N. reports (I, II, and III).	do	3. Access: available in public reading rooms in (1) above; plus 4 regional offices and all district offices of INS in the United States, for address check telephone directory. (See 8 CFR 100.4.) (Fee for copying is in sec. 103.7.)
Do	4. Unpublished interim decisions of BIA	4. [Not published]	4. Access: available for information and copying same as (3) above.
Do	5. Unpublished service decisions	5. [Not published]	5. Access: As in (3) above.
Do	6. Title 8 of the Code of Federal Regulations (last revision Jan. 1, 1975). Paperback—See chapter I & II, included under pts 209 and 499 contain complete set of forms for INS.	6. Jan. 1, 1975 issue paperback, $2.45 G.P.O.	6. Access: for information same as (3) above.
Do	7. Operations instructions of INS (white pages).	do	7. Access: for information and copying same as (3) above.
Do	8. Information regarding amendments to 8 CFR (Aliens and Nationality) changes issued, adopted as published in the FEDERAL REGISTER from Jan. 1, 1975, through June 30, 1975, as follows: (a) 40 FR 2794, Jan. 16, 1975, secs. 214.1, 214.2. (b) 40 FR 3210A, Jan. 20, 1975, secs. 235.10, 299.1. (c) 40 FR 3407, Jan. 22, 1975, secs. 100.4, 108.2, 238.4, 242.2, 299.1. (d) 40 FR 4904, Feb. 3, 1975, sec. 100.4(d). (e) 40 FR 5380, Feb. 5, 1975, sec. 214. (f) 40 FR 6765, Feb. 14, 1975, sec. 204.2. (g) 40 FR 7236, Feb. 19, 1975, secs. 103.7, 103.8, 103.9, 103.10. (h) 40 FR 17743, Apr. 22, 1975, secs. 100.4, 103.10(b)(2), 238.4, 316a.2. (i) 40 FR 20816, May 13, 1975, sec. 212.14(e). (j) 40 FR 21700, May 19, 1975, sec. 211.1 (b)(3). (k) 40 FR 23271, May 29, 1975, secs. 1.1, 292.1, 292.2.	8. FEDERAL REGISTER, Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. $5.00 per month. $45.00 per year. 75¢ each issue.	8. Access: for information and copying at Public Information Office, Room 7202, INS Office, 425 I St. NW., Washington, D.C. 20536.
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF) has determined that publication in the FEDERAL REGISTER of the ATF Index of Materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the Index is changing continually and that items listed are of interest to relatively few potential users. The Index consists of the following: July 1967–August 1975; Listing of Final Opinion Statements of Policy and Interpretations, Administrative, Criminal Enforcement, Regulatory Enforcement, Technical and Scientific Services, and Inspection Directives, and the latest listing of ATF publications.	Office of the Assistant to the Director (Public Affairs) (Room 4407) Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226. Price: $1.50. Make check payable to Bureau of Alcohol, Tobacco, and Firearms.	Public Affairs Reading Room, Room 4407, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave. NW., Washington, D.C. 20226. Bureau of Alcohol, Tobacco, and Firearms, North Atlantic Regional Office, 6 World Trade Center, Room 630, New York, N.Y. 10048. Bureau of Alcohol, Tobacco, and Firearms, Mid-Atlantic Regional Office, 2 Penn Center Plaza, Room 340, Philadelphia, Pa. 19102. Bureau of Alcohol, Tobacco, and Firearms, Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340. Bureau of Alcohol, Tobacco, and Firearms, Central Regional Office, Federal Office Bldg., Room 6322, 550 Main St., Cincinnati, Ohio 45202. Bureau of Alcohol, Tobacco, and Firearms, Midwest Regional Office, 230 South Dearborn St., 15th Floor, Chicago, Ill. 60604. Bureau of Alcohol, Tobacco, and Firearms, Southwest Regional Office, Main Tower, 1200 Main St., Room 355, Dallas, Tex. 75202. Bureau of Alcohol, Tobacco, and Firearms, Western Regional Office, 525 Market St., 34th Floor, San Francisco, Calif. 94105.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967–August 1975; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220; $1.50; Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
Civil Service Commission (CSC).	Index to Civil Service Commission information. CSC Document No. 1. Period covered: June, 1975 to August, 1975. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Mail and Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.
Council on Environmental Quality.	*Memoranda to the heads of all Federal agencies;*		
Do	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7965.
Do	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 30, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1973.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974, p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 24, 1975	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's, Office 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7065.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973, p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 3, No. 3, April 1975.	do	Do.
	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do	Do.
Federal Power Commission	Supplement to index of Commission actions, July 1, 1975, through Sept. 30, 1975.	Office of Public Information, Federal Power Commission, Washington, D.C. 20426. No charge.	Office of Public Information, Federal Power Commission, Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.
Federal Trade Commission (FTC).	Final orders and opinions: [1] Bound volumes of decisions July 1967, to June 1973.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-12 each.	Legal and Public Records, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do	Advisory opinions: [1] Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do	Final orders and opinions: Supplemental index, July 1973 to September 1975.	Legal and Public Records FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do	Enforcement statement, July 1967 to September 1975.	do	Do.
Do	Trade regulation rules, July 1967 to September 1975.	do	Do.
Do	Manuals—operating administrative	do	Do.
Do	Freedom of Information Act, access requests and responses, March 1973-September 1975. Closing letters, investigatory material, March 1974-September 1975.	do	Do.

[1] Duplicated Pages of Index.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through Sept. 30, 1975. Category A information which is final opinions, including concurring and dissentin; opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (ALVP), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Sept. 30, 1975. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do.	Index of Office of the Director staff memoranda (O/D) in effect, as of Sept. 30, 1975. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do.	Do.
Do.	Numerical index of NSF important notices in effect as of Sept. 12, 1974. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.		
Do.	Index of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do.	Do.
Do.	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do.	Do.
Do.	Publications of the National Science Foundation. An index by topical classification, as of February 1975, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 75-13.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Publications Resource Office, Room 531, 1800 G St. NW., Washington, D.C. 20550.
Do.	NSF guide to programs. A composite listing of summary information about NSF assistance support programs, as of October 1974. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 75-42.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 3800-00195. Unit price: $1.70.	Do.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Sept. 30, 1975. Chronological listing (by date of service) of initial decisions after hearings on appeal involving airman/air safety certificates. Safety enforcement decisions, May 18, 1967 to Sept. 30, 1975. Alphabetical and numerical listings (by EA and EM order No.) of final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 9, 1975. Numerical listing (by NTSB order No.) of staff operational directives.	Copies of indexes and checklist may be obtained by writing to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to June 30, 1975. Keyword index of OMB bulletins.	Office of Management and Budget. No fee. Velma N. Baldwin, Assistant to the Director for Administration.	Velma N. Baldwin Assistant to the Director for Administration.
Do	Office of Management and Budget circulars index, 1948 to June 30, 1975. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1975. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through June 30, 1975. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Postal Rate Commission	Postal Rate Commission Index	Secretary of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C.
Selective Service System	1. Index to Selective Service regulations and directives, 1948 to 1972. 2. Index to Selective Service regulations and registrants processing manual, 1972 to present. 3. General index to reconciliation service manual. 4. Registrant information bank guide index, 1972 to present.	National Headquarters, Selective Service System, 1724 F St. NW., Washington, D.C. 20435. Prices: 1. $2, 2. $2, 3. $0.10, 4. $0.10. Make checks payable to: Selective Service System.	Records Manager, National Headquarters, Selective Service System, 1724 F St. NW., Room 108, Washington, D.C. 20435. Telephone (202) 343-7117
Tennessee Valley Authority	Index to general administrative releases; covers period through September 1975; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

[1] Duplicated pages of index.

OCTOBER 16, 1975.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.75-28182 Filed 10-16-75;9:13 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 14th day of October, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Oct. 10, 1975

Name of applicant	Location of enterprise	Principal product or activity
Surrette Storage Battery Co., Inc.	Northfield, N.H.	Lead acid electric storage batteries.
A&E Plastik Pak Co., Inc.	Rockaway, N.J.	Manufacture of transparent plastic packaging for the food industry.
B&H Warehouses	Aiken, S.C.	Self-service miniwarehouses and specialty shop rental property.
Farm Service Center, Inc.	Dudley, Ga.	Drying and storage peanuts, sale of fertilizer, cotton warehouse, hardware store.
Cashiers Plastic Corp.	Cashiers, N.C.	Custom injection molding using the structural foam process.
Eutaw Equipment Co., Inc.	Eutawville, and Orangeburg, S.C.	Sales and service of farm equipment.
Faithway Industries	Andover, Ohio	Custom extruded rubber products.
Southern Gardens, Inc.	Flora, Ill.	Shopping center.
Woodhull Co-operative Grain Co.	Woodhull, Ill.	Grain, handling, grinding, mixing, and miscellaneous farm supplies.
Kinder Industries (tenant of Kinder)	Kinder, La.	Manufacturing of knit shirts.
Signs Inc.	Riverton, Wyo.	Design, sell, service, maintain, and install plastic and neon signs and store fronts.
Golden State Building Products	Shingle Springs, Calif.	Softwood lumber.

[FR Doc.75-28028 Filed 10-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 887]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 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 19537 Sub 6, Virgil Brooks Tucker and Marjorie Clark Tucker, d/b/a Clark Truck Line, now assigned October 20, 1975 at Jackson, Mississippi, is canceled and the application is dismissed.

MC 113523 Sub 24, Mercury Freight Lines, Inc., now assigned November 3, 1975 at Baton Rouge, Louisiana, is postponed indefinitely.

MC 19227 Sub 207, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975 at Denver, Colo., is canceled and application dismissed.

MC 103926 Sub 42, W. T. Mayfield Sons Trucking Co., now assigned November 4, 1975 at Atlanta, Georgia, will be held in Room 452, Federal Office Building, 275 Peachtree Street, instead of Room 556.

MC 111729 Sub 519, Purolator Courier Corp.; MC 10761 Subs 240, 246, 247, 249, 253, 254, 256, 257, 259, 260, Transamerican Freight Lines, Inc.; MC 113843 Sub 220, Refrigerated Food Express, Inc.; MC 134022 Sub 15, Richard A. Zima d/b/a Zipco; MC 138144 Sub 6, Fred Olson, Co., Inc.; and MC 139741 Sub 2, D & D Disposal Services Limited, now being assigned for a pre-hearing conference December 1, 1975, at Chicago, Illinois, in a hearing room to be later designated.

MC 87511 Sub 17, Sala Motor Freight Line, Inc., now being assigned continued hearing December 1, 1975 (5 days) at Shreveport, Louisiana, in the Chateau Motor Hotel, 201 Lake Street, continued to December 8, 1975 (1 week) at Dallas, Texas, in the Holiday Inn—Downtown, 1015 Elm Street.

MC 67996 (Sub-No. 9), Distillery Transfer Service, Inc., now being assigned November 17, 1975, (1 week), at Holiday Inn, Junction of U.S. Highway 31E and Bluegrass Parkway, Bardstown, Kentucky.

MC 114789 Sub 47, Nationwide Carriers, Inc., now being assigned December 2, 1975, (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 110420 Sub 734, Quality Carriers, Inc., now being assigned December 4, 1975, (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 64932 Sub 548, Rogers Cartage Co., now being assigned December 8, 1975, (1 day), at Chicago, Illinois, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28047 Filed 10-16-75;8:45am]

[Notice No. 888]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 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.

Correction

MC 200 (Sub-No. 273), Riss International Corporation, MC 10761 Sub 276, Transamerican Freight Lines, Inc., MC 30844 Sub 532, Kroblin Refrigerated Xpress, Inc., MC 95540 Sub 923, Watkins Motor Lines, Inc., MC 111231 Sub 191, Jones Truck Lines, Inc., MC 113678 Sub 584, Curtis, Inc., MC 114569 Sub 115, Shaffer Trucking, Inc., 119789, Sub 236, Caravan Refrigerated Cargo, Inc., MC 133655 Sub 62, MC 134323 Sub 69, Jay Lines, Inc., and MC 134755 Sub 51, Charter Express, Inc., now assigned October 29, 1975, at the Internal Revenue Service Building, Rooms 118 & 120 1412 South Main St., Wichita, Kansas, is canceled and reassigned for hearing October 29, 1975 (3 days), instead of *1 Week*, at Wichita, Kansas, Room 406, Bankruptcy Courtroom, Federal Building, 3rd & Market St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28048 Filed 10-16-75;8:45 am]

TEMPORARY AND EMERGENCY TEMPORARY AUTHORITY APPLICATIONS

Disposition

OCTOBER 7, 1975.

On the basis of the recent study of the Commission's operations by the Blue Ribbon Staff, it appears that some carriers and shippers do not respond adequately to the questions set forth in the TA application Form OP-MCB 95 (Rev. 1/74), thus making it necessary, in the press of time, to proceed to decision on a poorly presented record in order to expedite the handling of cases involving alleged emergency needs. We are concerned that inclusion of the answers omitted from a number of questions might have altered the disposition of such applications. To improve the processing of TA applications, the Commission's field offices henceforth will forward to the Motor Carrier Board only applications that are complete and fully responsive. Below are examples of poorly prepared responses to key questions on the application form.

Question (6) on page 8 of the application requests that the supporting shipper "List efforts made to obtain the service from existing carriers, including the dates and results of such efforts; the names and addresses of existing carriers that have either failed or refused to provide service; and the reasons for any such failure or refusal."

Question (8) on the same page reads "The undersigned shipper has supported, or is supporting the following application for authority similar to that sought in the application. (If none, so state)." The information expressly requested to be filled in is the name of the carrier, its docket number, the filing date of the application, whether the application was granted or denied and the date of such action.

The frequently-used answer to Question (6): "I am unaware of any available service," is not responsive. It may be regarded as evasive and could lead to the denial of the application where an opposing carrier later asserts an ability and desire to provide the service and a lack of success in past efforts to solicit the traffic.

An answer to Question (8) stating, "I have no personal knowledge that my company has supported such an application," is not responsive and where an opposing carrier makes an unchallenged claim that the shipper by whom the replicant is employed has in fact supported similar applications in the past, the subject application may be denied for that reason alone.

Instructions for the preparation of the application are set out on page 5. The third paragraph from the bottom of page

5 begins with "The National Transportation Policy . . ." and requests the submission of specific information relative to the operational feasibility of the proposed service. Response to such instruction is often omitted. Henceforth, such omission, in and of itself may cause the application to be denied.

Carriers and their supporting shippers are urged to prepare their TA applications fully and responsively in order to avoid delays in processing as well as to avoid the possible denial of the sought TA or ETA because of less than complete application forms. In this regard, the Commission's field staff has been alerted to provide all necessary and appropriate assistance to TA applicants in preparation of their applications.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28049 Filed 10-16-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 3, 1975.

FSA No. 43057—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 88), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals at Stockton and Sacramento, California, to ports in Europe, Mediterranean and United Kingdom.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff I.C.C. No. 69. Rates are published to become effective on November 13, 1975.

FSA No. 43058—*Rubber to Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-559), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from specified points in Louisiana and Texas, to specified points in Delaware, Maryland, New Jersey, and Pennsylvania.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on November 13, 1975.

FSA No. 43059—*Cinders, Clay or Shale, from Pueblo, Colorado.* Filed by Southwestern Freight Bureau, Agent (No. B-561), for interested rail carriers. Rates on cinders, clay or shale, crude or crushed, not ground, in carloads, as described in the application, from Pueblo, Colorado, to points in New Mexico, Oklahoma and Texas.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 232 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832. Rates are published to become effective on November 13, 1975.

FSA No. 43060—*Rubber to South Providence, R.I.* Filed by Southwestern Freight Bureau, Agent, (No. B-562), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from points in Louisiana and Texas, to South Providence, R.I.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on November 13, 1975.

FSA No. 43061—*Corn and Soybeans to Chicago, Illinois.* Filed by Chicago and North Western Transportation Company, (No. 107), for interested rail carriers. Rates on corn and soybeans, in carloads, as described in the application, from Belvidere and Esmond, Illinois, also Milwaukee, Wisconsin, to Chicago, Illinois.

Grounds for relief—Carrier and market competition.

Tariff—Chicago and North Western Transportation Company tariff 17194-A, I.C.C. No. 151. Rates are published to become effective on November 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28045 Filed 10-16-75;8:45 am]

[Notice No. 97]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76100. (Correction) (ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, Transferee, and JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, Transferor), in lieu of JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, Transferee, and ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, Transferor, published in the September 25, 1975, issue of the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28046 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, Exemption No. 104]

NORFOLK AND WESTERN RAILWAY CO. AND THE PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the Norfolk and Western Railway Company (N&W) and The Pittsburgh and Lake Erie Railroad Company (P&LE), have each agreed to the unrestricted use by the other of its plain gondola cars 61 ft. in length, or greater, and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are 61 ft. in length or greater, which bear the reporting marks listed herein, may be used by the N&W and P&LE without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:

N&W: N&W, NKP, P&WV, VGN, WAB; P&LE: P&LE.

Effective October 7, 1975.

Expires January 15, 1975.

Issued at Washington, D.C., October 7, 1975.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-28050 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, 10th Rev. Exemption 99]

CENTRAL RAILROAD COMPANY OF NEW JERSEY ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and

which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting Marks: CNJ.

The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.

Florida East Coast Railway Company. Reporting Marks: FEC.

Grand Trunk Western Railroad Company. Reporting Marks: GTW.

The Kansas City Southern Railway Company. Reporting Marks: KCS.

Illinois Terminal Railroad Company. Reporting Marks: KCS.

Louisiana & Arkansas Railway Company. Reporting Marks: LA.

Maine Central Railroad Company. Reporting Marks: MEC.

Missouri-Kansas-Texas Railroad Company. Reporting Marks: BKTY-MKT-MKTT.

Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees. Reporting Marks: PC-PRR-NYC.

Richmond, Fredericksburg and Potomac Railroad Company. Reporting Marks: RFP.

Union Pacific Railroad Company. Reporting Marks: UP.

Effective October 14, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., October 7, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-28051 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, 6th Rev. Exemption 89]

BURLINGTON NORTHERN INC. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, and which bear the reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a) 2(a) and 2(b). (See Exceptions 1, 2 and 3)

Exception No. 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception No. 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division, of the Association of American Railroads, restricting the use of designated cars.

Exception No. 3: This exemption shall not apply to 40-ft. boxcars owned by the railroads named below:

Burlington Northern Inc. Reporting Marks: BN-CBQ-GN-NP-SPS.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting Marks: MILW.

Chicago and North Western Transportation Company. Reporting Marks: CGW-CMO-CNW-MSTL.

Illinois Central Gulf Railroad Company. Reporting Marks: CLG-GM&O-IC-ICG.

The Kansas City Southern Railway Company. Reporting Marks: KCS.

Louisiana & Arkansas Railway Company. Reporting Marks: LA.

Maine Central Railroad Company. Reporting Marks: MEC.

SOO Line Railroad Company. Reporting Marks: SOO.

Effective October 13, 1975.

Expires October 31, 1975.

Issued at Washington, D.C., October 6, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-28052 Filed 10-16-75;8:45 am]

[AB 84]

ILLINOIS TERMINAL RAILROAD CO.

Abandonment Between Hamel and Worden, in Madison County, Illinois

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Madison County, Ill., on or before October 28, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 2nd day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

ILLINOIS TERMINAL RAILROAD COMPANY, ABANDONMENT BETWEEN HAMEL AND WORDEN, IN MADISON COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated October 2, 1975, it has been determined that the proposed abandonment by the Illinois Terminal Railroad Company of its line of railroad between Hamel and Worden, Ill., a distance of 2.59 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the volume of traffic handled on the subject line is low, and the area highways are adequate to handle the small amount of additional truck traffic resulting from an authorized abandonment. In addition, there is the absence of any historic, safety or ecological impacts associated with the proposal.

The area traversed by the line is primarily rural agricultural land. At the present time there are no definite plans for sale of the right-of-way. Presumably it will be made available to the adjacent landowners for agricultural purposes.

The 2.59 miles of track to be abandoned represent an isolated segment of applicant's mainline which at one time extended between Edwardsville and Benld, Ill. The two segments of this line between Edwardsville and Hamel and between Worden and Benld were authorized for abandonment in 1970 (F.D. 26019), and at the same time the applicant was granted trackage rights over the C&NW line between Edwardsville and Benld. Consequently, it is no longer necessary for applicant to use its track between Hamel and Worden for mainline operations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28053 Filed 10-16-75;8:45 am]

[FINANCE DOCKET NOS. 27805, 27806]

ILLINOIS CENTRAL GULF RAILROAD CO.

Construction—A Line of Railroad South of the City of Springfield, in Sangamon County, Illinois; Trackage Rights Over a Line of the Illinois Terminal Railroad Company, in Sangamon County, Illinois

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sangamon County, Ill., on or before October 20, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 7th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

FINANCE DOCKET NO. 27805, ILLINOIS CENTRAL GULF RAILROAD COMPANY — CONSTRUCTION — A LINE OF RAILROAD SOUTH OF THE CITY OF SPRINGFIELD, IN SANGAMON COUNTY, ILLINOIS.

FINANCE DOCKET NO. 27806, ILLINOIS CENTRAL GULF RAILROAD COMPANY — TRACKAGE RIGHTS — OVER A LINE OF THE ILLINOIS TERMINAL RAILROAD COMPANY, IN SANGAMON COUNTY, ILLINOIS.

The Interstate Commerce Commission hereby gives notice that by order dated October 7, 1975, it has been determined that the proposed construction of approximately 1 mile of additional trackage and the acquisition of trackage rights over approximately 0.7 miles of Illinois Terminal Railroad Company trackage, near the southern limits of Springfield, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the proposed action provides for uninterrupted Illinois Central Gulf Railroad Company overhead operations through Springfield, in lieu of existing zig-zag, intracity movements. The net environmental impacts will be localized reductions in fuel consumption, air pollutant emissions, grade crossing safety hazards, and ambient noise levels.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28054 Filed 10-16-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

OCTOBER 14, 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 28, 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 19227 (Sub-E4), filed June 14, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Florida 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* (except boats) and (except oil field equipment), the transportation of which because of their size or weight requires the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies in connection therewith (restricted against the transportation of oilfield commodities and restricted to the transportation of commodities on trailers); (a) between points in Arizona, on the one hand, and, on the other, points in Arkansas and Louisiana; (b) between points in New Mexico, Nebraska, Kansas, and Oklahoma, on the one hand, and, on the other, points and places in Louisiana; (c) between points in New Mexico, on the one hand, and, on the other, points and places in Arkansas; and (3) *Commodities* (except oil field equipment), the transportation of which because of their size or weight requires the use of special equipment and (4) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith restricted to commodities which are transported on trailers; (a) between points in California, on the one hand, and, on the other, points in Florida; (c) between points in Arizona, on the one hand, and, on the other, points in Nebraska, Kansas, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Florida; (d) between points in Arkansas (West of Boone, Searcy, Van Buren, Faulkner, Lonoke, Arkansas, Lincoln, Drew, and Ashley Counties), on the one hand, and, on the other, points in Florida; (e) between points in Louisiana (West of Morehouse, Richland, Caldwell, LaSalle, Grant, Rapides, Allen, Jefferson Davis, and Cameron parishes), on the one hand, and, on the other, points and places in Florida. The purpose of this filing is to eliminate the gateway of: (1) & (2) (a)-(c) Texas or that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Texas; (3) & (4) (b)-(c) Texas.

No. MC 32882 (Sub-E3), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than iron and steel, (A) between points in California, on the one hand, and, on

the other, points in Montana, and (B) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne and Alpine Counties, on the one hand, and, on the other, points in Utah in and north of Tooele, Utah, Duchesne, Unitah Counties. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC 32882 (Sub-E4), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), between points in California in and north of San Luis Obispo, Kings, Fresno, and Mono Counties, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to junction U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of points in Washington.

No. MC 32882 (Sub-E5), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the size or weight which would require the use of special equipment or special handling (restricted against the transportation of commodities in bulk and new passenger automobiles); between points in California on the one hand, and, on the other, points in Montana on and west of a line beginning at the Montana-Wyoming State line and extending through U.S. Highway 87 through Hardin, Roundup and Lewiston, Montana to Great Falls, Montana, thence along U.S. Highway 91 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC 32882 (Sub-E6), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials* (other than forest products, lumber, lumber products and wood products, commodities in bulk, iron and steel articles as described in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, Appendix V, and commodities which by reason of size or weight require special equipment); (2) *Self-propelled articles* each weighing 15,000 lbs. or more (restricted to commodities which are transported on trailers and restricted against transporting new passenger automobiles in truck-away service); (3) *General Commodities* (except those of unusual value of classes A and B explosives, household goods as defined by the Commission, commodities in bulk, new passenger automobiles in truck-away service and commodities requiring special equipment) in mixed loads with commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling when the mixed load moves on a special bill of lading from a single consignor; (4) *Commodities*, the size or weight of which would require the use of special equipment or special handling (restricted against the transportation of commodities in bulk and new passenger automobiles); (a) between points in California, in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne and Alpine Counties, on the one hand, and, on the other, points in Montana on and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 through Hardin, Roundup and Lewiston, Mont., to Great Falls, Mont., thence along U.S. Highway 91 to the United States-Canada International Boundary line. Restriction: The above operations are restricted against the transportation of boats.

No. MC 53269 (Sub-No. E2) filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and west of Erie, Crawford, Venango, Butler, Westmoreland, and Fayette Counties, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Grundy, and Marion Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E5) filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and east of Warren, Forest, Clarion, Armstrong, Indiana, Cambria, and Somerset Counties, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E7), filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and west of Fulton, Bedford, Blair, Clearfield, Elk, and McLean Counties, on the one hand, and, on the other, points in North Carolina in and west of Alleghany, Wilkes, Iredell, Mecklenburg, and Union Counties, N.C., and points in South Carolina in and west of Chesterfield, Darlington, Lee, Sumter, Clarendon, Berkeley, and Charleston Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E8), filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and east of Potter, Cameron, Clinton, Centre, Huntingdon, and Franklin Counties, on the one hand, and, on the other, points in North Carolina in and west of Avery, McDowell, and Rutherford Counties, and points in South Carolina in and west of Cherokee, Union, Fairfield, Richland, Calhoun, Orangeburg, and Colleton Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E9), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and east of Gallia, Vinton, Hocking, Fairfield, Licking, Knox, Richland, Huron, and Erie Counties, on the one hand, and, on the other, points in North Carolina in and west of Watauga, Avery, Burke, and Rutherford Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E10), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and west of Lawrence, Jackson, Ross, Pickaway, Franklin, Delaware, Morrow, Crawford, Seneca, Sandusky, and Ottawa Counties, on the one hand, and, on the other, points in North Carolina in, west and south of Caswell, Orange, Durham, Wake, Johnston, Wayne, Lenoir, Jones, and Carteret Counties. The

purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E14), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and west of Erie, Huron, Richland, Knox, Licking, Perry, Hocking, Vinton, Gallia, and Lawrence Counties, on the one hand, and, on the other, points in Georgia in and south of Lincoln, Wilkes, Taliaferro, Hancock, Putnam, Jones, Bibb, Peach, Macon, Sumter, Webster, Randolph, and Clay Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E15), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and east of Lorain, Ashland, Holmes, Coshocton, Muskingham, Morgan, Athens, and Meigs Counties, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E16) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E21) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in North Carolina (except those in and east of Northampton, Bertie, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E23) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Tennessee in and east of Blount, Knox, Anderson, and Campbell Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E28) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Virginia within 150 miles of Bristol, Tenn. (except those points in and west of Bland, Wythe, and Grayson Counties), on the one hand, and, on the other, points in Kentucky (except those points in Pike County). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E29), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Virginia in and west of Buchanan, Russell, and Washington Counties (except Lee County), on the one hand, and, on the other, points in North Carolina in and west of Avery, Burke, and Rutherford Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.,

No. MC 53269 (Sub-No. E30) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Virginia within 150 miles of Bristol, Tenn. (except those points in and west of Tazewell, Russell, and Scott Counties), on the one hand, and, on the other, points in Kentucky (except those points in and east of Carroll, Owen, Scott, Bourbon, Clark, Powell, Wolfe, Magoffin, Knott, Perry, and Letcher Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E31), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee in and east of Sullivan, Washington, and Unicoi Counties, on the one hand, and, on the other, points in South Carolina in and east of Lancaster, Kershaw, Richland, Lexington, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E32), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee within 150 miles of Bristol, Tenn.–Va., on the one hand, and, on the other, points in South Carolina in and east of Chesterfield, Darlington, Lee, Sumter, Clarendon, Berkeley, Dorchester, Colleton, and Hampton Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E33), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee in and east of Unicoi, Washington, and Sullivan Counties, on the one hand, and, on the other, points in Georgia in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Jackson, Clarke, Oglethorpe, Wilkes, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E34), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E35) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's repre-

sentative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E36) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana in and north of Warren, Tippecanoe, Clinton, Tipton, Grant, Blackford, and Jay Counties, on the one hand, and, on the other, points in Virginia in and west of Bath, Rockbridge, Bedford, and Pittsylvania Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E37), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in, east and south of Madison, Taylor, Hamilton, Columbia, Baker, and Nassau Counties, on the one hand, and, on the other, points in Virginia in and west of Rockingham, Albemarle, Buckingham, Appomattox, Campbell, Bedford, Roanoke, Floyd, and Carroll Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E38), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and west of Jefferson County to points in Virginia except those in, east and south of Mecklenburg, Lunenburg, Prince Edward, Cumberland, Fluvanna, Louisa, Spotsylvania, and Stafford Counties, Va. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E39) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and south of Citrus, Sumter, Lake, Seminole, and Brevard Counties, on the one hand, and, on the other, points in Watauga, Ashe, Alleghany, and Wilkes Counties, N.C. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E40) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and south of Sumter, Lake, Citrus, Seminole, and Brevard Counties, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Fentris, Morgan, Roane, Louden, and Blount Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E41) filed June 3, 1974 Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Dade, and Monroe Counties, Fla., on the one hand, and, on the other, points in North Carolina in and north of Avery, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Alamance, and Caswell Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E42) filed June 3, 1974 Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Maryland and New Jersey. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E43) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida (except those in and west of Franklin, Liberty, and Gasden Counties), on the one hand, and, on the other, points in Kentucky (except those in and west of Henderson, Webster, Hopkins, and Christian Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E44) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in and north of Avery, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Alamance, and Caswell Counties, N.C. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E45), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Pickens, Tuscalossa, Jefferson, Shelby, Talladaga, Clay and Randolph Counties, on the one hand, and, on the other, points in Kentucky in and east of McCreary, Laurel, Jackson, Estill, Powell, Montgomery, Bath, Fleming, and Lewis. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E46) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in and north of Lamar, Fayette, Walker, Blount, Marshall and DeKalb Counties, Ala., on the one hand, and, on the other, points in West Virginia (except those north and west of Wayne, Lincoln, Kanawaha, Roane, and Jackson Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E47), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's repre-

sentative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama (except those in and north of Lamar, Fayette, Walker, Blount, Marshall, and DeKalb Counties), on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E48), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Maryland and New Jersey. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 61825 (Sub-No. E188), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Auglaize, Butler, Columbiana, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Hamilton, Hancock, Hardin, Henry, Huron, Lake, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Portage, Preble, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E189), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Marshall County, W. Va., on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Columbiana, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Greene, Hamilton, Hancock, Hardin, Henry, Huron, Lake, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Portage, Preble, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E190), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Hancock County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Portage, Stark, and Trumbull Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E191), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Brooke County, W. Va., on the one hand, and on the other, points in Ohio (except points in Belmont, Harrison, Jefferson, Monroe, Noble, and Washington Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E192), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Brooke County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except in Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E193), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Hancock County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except points in Allegheny, Beaver, Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Mercer, McKean, Venango, Warren, and Washington Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E194), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Marshall County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E195), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Wetzel County, W. Va., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berks, Bradford, Bucks, Cameron, Carbon, Chester, Clarion, Clinton, Columbia, Crawford, Delaware, Elk, Erie, Forest, Juniata, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, McKean, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Wyoming, and Monroe Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E196), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except those in Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E235), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment* and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in Maryland on, east, and south of a line beginning at the Virginia-Maryland State line and extending along the District of Columbia border line to U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E236), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's

representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 32, thence along Missouri highway 32 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Kansas State line to points in Maryland on and east of Interstate Highway 81 and west of a line beginning at the Virginia-Maryland State line and extending along the District of Columbia border line to U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E237), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E238), filed May 13, 1974. Applicant: ROW STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction Virginia Highway 18, thence along Virginia Highway 18 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 655, thence along Virginia Highway 655 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E239), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line and extending along the Carroll-Patrick County line to the Carroll-Floyd County line to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 787, thence along Virginia Highway 787 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, and extending along the Virginia-West Virginia State line to the Potomac River, and extending along the Potomac River to Virginia Highway 655, thence along Virginia Highway 655 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 18, thence along Virginia Highway 18 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction Virginia Highway 419 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line, and extending along the Virginia-North Carolina State line to the point of beginning. The purpose this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E240), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 501 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E241), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, supplies, and equipment* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 101 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Illinois State line and extending along U.S. Highway 501 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E242), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture

and furniture parts (except in bulk), from points in Missouri on, north, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 66 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 123, thence along Missouri Highway 123 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line to points in South Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along Winyah Bay to junction U.S. Highway 701, thence along U.S. Highway 701 to junction South Carolina Highway 51, thence along South Carolina Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E243), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies*, used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E244), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to points in Maryland. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E245), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk) from points in Arkansas to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E246), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to points in North Carolina on and east of a line beginning at the Atlantic Ocean near Surf City, N.C., extending along North Carolina Highway 210 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 42, thence along North Carolina Highway 42 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E247), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 9 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 124, thence along Arkansas Highway 124 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction U.S. Highway 67/167, thence along U.S. Highway 67/167 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line and points west of a line beginning at the Atlantic Ocean near Surf City, N.C., and extending along North Carolina Highway 210 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 42, thence along North Carolina Highway 42 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E280), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Iowa on, north, and west of a line beginning on the Illinois-Iowa State line and extending along Iowa Highway 64 to junction U.S. Highway 151, thence west along U.S. Highway 151 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction Interstate Highway 80, thence west along Interstate Highway 80 to junction Interstate Highway 35, thence south along Interstate Highway 35 to junction U.S. Highway 34, thence west along U.S. Highway 34 to junction U.S. Highway 169, thence south along U.S. Highway 169 to the Iowa-Missouri State line to points in South Carolina on and east of a line beginning on the Atlantic Ocean at Edisto Island, thence north along South Carolina Highway 174 to junction South Carolina Highway 64, thence northwest along South Carolina Highway 64 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction South Carolina Highway 341, thence north along South Carolina Highway 341 to junction U.S. Highway 1.

Thence north along U.S. Highway 1 to junction State Highway 145, thence north along South Carolina Highway 145 to the South Carolina-North Carolina State line and points west of a line beginning on the Atlantic Ocean at the mouth

of the South Santee River to U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 45, thence north along South Carolina Highway 45 to junction Alternate U.S. Highway 17, thence north along Alternate U.S. Highway 17 to junction South Carolina Highway 41, thence north along U.S. Highway 41 to junction U.S. Highway 521, thence west along U.S. Highway 521 to junction South Carolina Highway 377, thence north along South Carolina Highway 377 to junction South Carolina Highway 261, thence west along South Carolina Highway 261 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction South Carolina Highway 341, thence north along South Carolina Highway 341 to junction South Carolina Highway 403, thence north along South Carolina Highway 403 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction South Carolina Highway 102, thence north along South Carolina Highway 102 to junction State Highway 742, thence north along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E281), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Oklahoma to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E282), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Oklahoma on, south, and west of a line beginning on the Kansas-Oklahoma State line, thence south along U.S. Highway 169 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 69, thence south along U.S. Highway 69 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to junction Oklahoma Highway 82, thence south along Oklahoma Highway 82 to junction Oklahoma Highway 100, thence east along Oklahoma Highway 100 to the Oklahoma-Arkansas State line to points in West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E283), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along Virginia Highway 89 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction U.S. Highway 219, thence north along U.S. Highway 219 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E284), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, on and west of Interstate Highway 35 to points in Virginia on and east of U.S. Highway 21 and west of a line beginning on the North Carolina-Virginia State line and extending along Virginia Highway 89 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction U.S. Highway 219, thence north along U.S. Highway 219 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E285), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E286), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, on and west of a line beginning on the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence north along Oklahoma Highway 7 to junction U.S. Highway 177, thence north along U.S. Highway 177 to the Oklahoma-Kansas State line to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along North Carolina Highway 207 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction North Carolina Highway 152, thence west along North Carolina Highway 152 to junction U.S. Highway 21, thence north along U.S. Highway 21 to the North Carolina-Virginia State line and west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E287), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma on, north and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 183 to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction Oklahoma Highway 54, thence north along Oklahoma Highway 54 to junction Oklahoma Highway 49, thence east along Oklahoma Highway 49 to junction H. E. Bailey Turnpike, thence east along the H. E. Bailey Turnpike to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to junction Oklahoma Highway 99, thence north along Oklahoma

Highway 99 to junction Oklahoma Highway 20, thence east along Oklahoma Highway 20 to junction U.S. Highway 169, thence north along U.S. Highway 169 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 44, thence east along Interstate Highway 44 to the Oklahoma-Missouri State line to points in South Carolina on, east and north of a line beginning on the Atlantic Ocean and extending along Winyah Bay to U.S. Highway 701, thence north along U.S. Highway 701 to junction South Carolina Highway 51, thence north along South Carolina Highway 51 to junction South Carolina Highway 41, thence north along South Carolina Highway 41 to junction South Carolina Highway 512, thence west along South Carolina Highway 512 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction South Carolina Highway 341, thence west along South Carolina Highway 341 to junction South Carolina Highway 53, thence north along South Carolina Highway 53 to the Lynches River, thence north along the Lynches River to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E288), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E289), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence north along U.S. Highway 70 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E290), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas on and west of a line beginning on the Nebraska-Kansas State line, and extending along U.S. Highway 81 to junction Kansas Highway 18, thence west along Kansas Highway 18 to junction Kansas Highway 14, thence south along Kansas Highway 14 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction U.S. Highway 156, thence southwest along U.S. Highway 156 to junction U.S. Highway 56, thence west along U.S. Highway 56 to junction U.S. Highway 183, thence south along U.S. Highway 183 to junction U.S. Highway 54, thence west on U.S. Highway 54 to the Kansas-Oklahoma State line to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 21 to junction North Carolina Highway 16, thence north along North Carolina Highway 16 to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction North Carolina Highway 127, thence north along North Carolina Highway 127 to junction North Carolina Highway 90, thence east along North Carolina Highway 90 to North Carolina Highway 16, thence north along North Carolina Highway 16 to junction North Carolina Highway 18, thence north along North Carolina Highway 18 to junction U.S. Highway 21, thence north along U.S. Highway 21 to the North Carolina-Virginia State line and west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence north along U.S. Highway 70 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E291), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in South Carolina on and east of a line beginning on the South Santee River, thence west along the South Santee River to the Santee River, thence west along the Santee River to South Carolina Road 41, thence north along South Carolina Road 41 to junction U.S. Highway 521, thence west along U.S. Highway 521 to junction South Carolina Highway 377, thence north along South Carolina Highway 377 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E296), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma on, west, and south of a line beginning on the Kansas-Oklahoma State line, thence south along U.S. Highway 177 to junction Oklahoma Highway 11, thence east along Oklahoma Highway 11 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to the Oklahoma-Arkansas State line to points in Maryland, on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E297), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma on, and south of a line beginning on the Texas-Oklahoma State line and extending along Oklahoma Highway 9 to junction U.S. Highway 183, thence south along U.S. Highway 183 to junction Oklahoma Highway 19, thence east along Oklahoma Highway 19 to junction Oklahoma Highway 12, thence east along Oklahoma Highway 12 to junction U.S. Highway 270, thence east along U.S. Highway 270 to the Oklahoma-Arkansas State line to points in West Virginia on and east of a line beginning on the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 19, thence north along U.S. Highway 19 to the West Virginia-Pennsylvania State line and points located west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E298), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*

parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts, (except in bulk), from points in Kansas to points in Maryland on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E299), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (except in bulk), from points in Kansas on and west of a line beginning on the Nebraska-Kansas State line, thence south along U.S. Highway 283, to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction Alternate U.S. Highway 50, thence southwest along Alternate U.S. Highway 50 to junction U.S. Highway 283, thence south along U.S. Highway 283 to the Kansas-Oklahoma State line to points in West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E300), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Kansas to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction Interstate Highway 81, thence north along Interstate Highway 81 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence north along U.S. Highway 460 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub E301), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (except in bulk), from points in Mississippi to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E302), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (except in bulk), from points in Mississippi to points in Maryland, to points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E303), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (except in bulk), from points in Mississippi to points in West Virginia on and east of a line beginning on the Virginia-West Virginia State line and extending along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction West Virginia Highway 4, thence north along West Virginia Highway 4 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction West Virginia Highway 92, thence north along West Virginia Highway 92 to the Monongalia-Preston County line, thence north along the Monongalia-Preston County line to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E304), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (except in bulk), from points in Mississippi, on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction U.S. Highway 61, thence east along U.S. Highway 61 to junction Mississippi Highway 28, thence east along Mississippi Highway 28 to junction Mississippi Highway 35, thence north along Mississippi Highway 35 to junction Mississippi Highway 18, thence east along Mississippi Highway 18 to junction Mississippi Highway 15, thence north along Mississippi Highway 15 to junction U.S. Highway 80, thence east along U.S. Highway 80 to the Mississippi-Alabama State line, to points in West Virginia, on and east of a line beginning on the Virginia-West Virginia State line and extending along the New River to U.S. Highway 19, thence north along U.S. Highway 19 to junction West Virginia Highway 5, thence west along West Virginia Highway 5 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction West Virginia Highway 47, thence north along West Virginia Highway 47 to junction West Virginia Highway 18, thence north along West Virginia Highway 18 to the West Virginia-Ohio State line, and west of a line beginning on the Virginia-West Virginia State line, thence north along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction West Virginia Highway 4, thence north along West Virginia Highway 4 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction West Virginia Highway 92, thence north along West Virginia Highway 92 to the Monongalia-Preston County line to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E305), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Mississippi to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E306), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Mississippi bounded by a line beginning on the Mississippi River and extending along Mississippi Highway 4 to junction U.S. Highway 45, thence along

U.S. Highway 45 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to the Natchez Trace National Parkway, thence along the Natchez Trace National Parkway to junction Mississippi Highway 15, thence along Mississippi Highway 15 to the Gulf of Mexico, thence along the Gulf of Mexico to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to the Mississippi River, thence along the Mississippi River to the point of beginning, to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line and west of a line beginning on the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E307), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Louisiana to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E308), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Louisiana to points in Maryland. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E338), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub-No. E339), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the maufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Iberia-St. Mary County line, thence along the Iberia-St. Mary County line to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line and west of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E340), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in West Virginia, on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 12 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 69, thence along Virginia Highway 69 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E341), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 8 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to the West Virginia-Ohio State line and west of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 12 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 69, thence along West Virginia Highway 69 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E342), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the White Oak River to U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E343), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Iberia-Saint Mary County line, thence along the Iberia-Saint Mary County line to the Gulf of Mexico to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the New Hanover-Pender County line to junction U.S. Highway 117 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction U.S. Highway 701, thence along U.S. 701 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 65, thence along North Carolina Highway 65 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to the North Carolina-Virginia State line and west of a line beginning at the Atlantic Ocean and extending along the White Oak River to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E344), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture (except in bulk), from points in Mississippi to points in North Carolina on, east, and north of a line beginning at the Atlantic Ocean and extending along the Ocracoke Inlet, thence across the Pamlica Sound to the Mouth of the Neuse River, thence along the Neuse River to North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 11, thence along North Carolina Highway 11 to junction North Carolina Highway 102, thence along North Carolina Highway 102 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 96, thence along North Carolina Highway 96 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E345), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line and extending along Mississippi Highway 7 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Mississipi-Louisiana State line to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the New River to U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction North Carolina Highway 150, thence along North Carolina Highway 150 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line and south and west of a line beginning at the Atlantic Ocean and extending along the Ocracoke Inlet, thence across the Pamlico Sound to the mouth of the Neuse River, thence along the Neuse River to North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 11, thence along North Carolina Highway 11 to junction North Carolina Highway 102, thence along North Carolina Highway 102 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 96, thence along North Carolina Highway 96 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E346), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E347), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in Maryland. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E348), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and*

supplies used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 100, thence along Virginia Highway 100 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E349), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E 350), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas on, west, and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 285 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 18, thence along Texas Highway 18 to junction Texas Highway 329, thence along Texas Highway 329 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 915, thence along Texas Highway 915 to junction Texas Highway 29, thence along Texas Highway 29 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Texas Highway 173, thence along Texas Highway 173 to junction Texas Highway 97, thence along Texas Highway 97 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 99, thence along Texas Highway 99 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction Texas Highway 72, thence along Texas Highway 72 to junction Texas Highway 239, thence along Texas Highway 239 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Lavaca Bay, thence through Cavallo Pass to the Gulf of Mexico to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 52 to junction West Virginia Highway 20.

Thence along West Virginia Highway 20 to junction West Virginia Highway 71, thence along West Virginia Highway 71 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Ohio State line and points located west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E351), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 1 to Rockingham, N.C., to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E352), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 8, thence along Texas Highway 8 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 10, thence along Texas Highway 10 to junction Texas Highway 1970, thence along Texas Highway 1970 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 601 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line and west of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 1 to Rockingham, N.C., to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E353), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Alternate U.S. Highway 50, thence along Alternate U.S. Highway 50 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line to points in South Carolina west of a line beginning at the Atlantic Ocean at the South Santee River, thence along the South Santee River to the Santee River, thence along the Santee River to South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 377, thence along South Carolina Highway 377 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to the South Carolina-North Carolina State line and on and east of a line beginning at the Atlantic Ocean extending along South Carolina Highway 703 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction South Carolina Highway 402, thence along South Carolina Highway 402 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 311, thence along South Carolina Highway 311 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction South Carolina Highway 267, thence along South Carolina Highway 267 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-E366), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Clarion County, Pa., on the one hand, and, on the other, points in North Carolina, bounded by a line beginning at the North Carolina-Virginia State line at its junction with North Carolina Highway 8, and extending south along North Carolina Highway 8 to Winston-Salem, thence west along Interstate Highway 40 to Hickory, thence south along U.S. Highway 321 to the North Carolina-South Carolina State line, thence east along the North Carolina-South Carolina State line to the Atlantic Ocean, thence northeast along the Atlantic Ocean to Morehead City, thence north along U.S. Highway 70 to Kinston, thence along North Carolina Highway 58 to Norlina, thence north along U.S. Highway 1 to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the point of beginning, including points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E367), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Elk, Forest, Jefferson, Indiana, McKean Counties, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line and its junction with U.S. Highway 29, and extending south along U.S. Highway 29 to Lexington, thence west along U.S. Highway 64 to Hickory, thence south along North Carolina Highway 127 to its junction with North Carolina Highway 10, thence along North Carolina Highway 10 to Toluca, thence south along North Carolina Highway 18 to the North Carolina-South Carolina State line, thence east along the North Carolina-South Carolina State line to the Atlantic Ocean, thence east along the Atlantic Ocean to Carolina Beach, thence north along U.S. Highway 421 to Dunn, thence along U.S. Highway 301 to Benson, thence north along North Carolina Highway 50 to Raleigh, thence north along U.S. Highway 70 to Durham, thence north along U.S. Highway 501 to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the point of beginning; including points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E368), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, between points in Virginia on and bounded by a line beginning at Staunton, Va., and extending south along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence north along U.S. Highway 29, to junction U.S. Highway 250, thence west along U.S. Highway 250 to point of beginning, on the one hand, and, on the other, points in Illinois and those points in Indiana and Michigan on and west of a line beginning at Dexter, Ind., and extending north along Indiana Highway 66 to junction Indiana Highway 37, thence north along Indiana Highway 37 to junction Indiana Highway 46, thence northwest along Indiana Highway 46 to junction Indiana Highway 59, thence north along Indiana Highway 39 to junction U.S. Highway 36, thence west along U.S. Highway 36 to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Indiana Highway 28, thence east along Indiana Highway 28 to junction Indiana Highway 25, thence northeast along Indiana Highway 25 to junction U.S. Highway 421, thence north along U.S. Highway 421 to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction Indiana Highway 39, thence north along Indiana Highway 39 to junction Indiana Highway 119, thence north along Indiana Highway 119 to junction U.S. Highway 35, thence north along U.S. Highway 35 to junction Indiana Highway 10, thence east along Indiana Highway 10 to junction Indiana Highway 17, thence north along Indiana Highway 17 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 31, thence north along U.S. Highway 31 to junction U.S. Highway 33, thence north along U.S. Highway 33 to St. Joseph, Mich., thence to Lake Michigan, thence along the eastern shore of Lake Michigan to the Straits of Mackinac, thence through the Straits of Mackinac to Lake Huron, thence to the United States-Canadian International Boundary line, thence northwest along the United States-Canadian International Boundary line to Whitefish Bay. The purpose of this filing is to eliminate the gateway of Lynchburg, and Pulaski, Va.

No. MC 61825 (Sub-E369), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Bedford, Va., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan and those points in Ohio on and northwest of a line beginning at Ripley, Ohio, and extending north along U.S. Highway 62 to junction Ohio Highway 16, thence east along Ohio Highway 16 to junction Ohio Highway 83, thence north along Ohio Highway 83 to junction U.S. Highway 36, thence east along U.S. Highway 36 to junction Ohio Highway 751, thence north along Ohio Highway 751 to junction Interstate Highway 77, thence north along Interstate Highway 77 to Cleveland, Ohio, and thence to Lake Erie. The purpose of this filing is to eliminate the gateway of Lynchburg, and Pulaski, Va.

No. MC 61825 (Sub-E370), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box

385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 33 to junction Virginia Highway 42, thence south along Virginia Highway 42 to junction Virginia Highway 257, thence east along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction Virginia Highway 218, thence east along Virginia Highway 218 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Potomac River, thence north along the Potomac River to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 102 to junction U.S. Highway 52 at Bramwell, thence west along U.S. Highway 52 to junction West Virginia Highway 40 at Kermit, thence south along West Virginia Highway 40 to the West Virginia-Kentucky State line and those points in Illinois and Indiana on and south of a line beginning at Leavenworth, Ind., and extending west along U.S. Highway 460 to junction Indiana Highway 37, thence north along Indiana Highway 37 to junction Indiana Highway 64, thence west along Indiana Highway 64 to junction Illinois Highway 15, thence west along Illinois Highway 15 to junction Illinois Highway 158, thence west along Illinois Highway 158 to junction U.S. Highway 50 Bypass, thence west along U.S. Highway 50 Bypass to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E371), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Lynchburg, Va., and extending south along U.S. Highway 29 to junction Virginia Highway 668, thence east along Virginia Highway 668 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction Virginia Highway 137, thence east along Virginia Highway 137 to junction Virginia Highway 46, thence south along Virginia Highway 46 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction Virginia Highway 40, thence west along Virginia Highway 40 to junction U.S. Highway 460, thence west along U.S. Highway 460 to point of beginning, on the one hand, and, on the other, points in Illinois, Indiana, and Michigan and points in Ohio and West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 102 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction West Virginia Highway 16, thence north along West Virginia Highway 16 to junction West Virginia Highway 10, thence north along West Virginia Highway 10 to junction West Virginia Highway 85, thence north along West Virginia Highway 85 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction Interstate Highway 77, thence north along Interstate Highway 77 to Cleveland, Ohio. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E372), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and bounded by a line beginning at Charlottesville, Va., and extending south along U.S. Highway 29 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction U.S. Highway 250, thence northwest along U.S. Highway 250 to point of beginning, on the one hand, and, on the other, points in Illinois and Indiana and those points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending west along U.S. Highway 460 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction West Virginia Highway 37, thence west along West Virginia Highway 37 to the West Virginia-Kentucky State line and points in Ohio on and west of a line beginning at Aberdeen, Ohio, and extending west along U.S. Highway 52 to junction U.S. Highway 62, thence north along U.S. Highway 62 to junction Ohio Highway 41, thence north along Ohio Highway 41 to junction U.S. Highway 68, thence north along U.S. Highway 68 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction Ohio Highway 117, thence north along Ohio Highway 117 to junction Ohio Highway 65, thence north along Ohio Highway 65 to junction Ohio Highway 115, thence north along Ohio Highway 115 to junction Ohio Highway 15, thence north along Ohio Highway 15 to the Ohio-Michigan State line and points in Michigan on, west and north of a line beginning at the Ohio-Michigan State line and extending north along Michigan Highway 99 to junction Interstate Highway 69, thence east along Interstate Highway 69 to junction Michigan Highway 21, thence east along Michigan Highway 21 to Port Huron, Michigan and thence to Lake Huron. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E373), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Fredericksburg, Va., and extending south along U.S. Highway 1 to junction Interstate Highway 64, thence east along Interstate Highway 64 to the Colonial Parkway, thence east along the Colonial Parkway to the York River, thence east along the York River to the Chesapeake Bay, thence across the Chesapeake Bay to the Atlantic Ocean, thence north along the Atlantic Coast to the Virginia-Maryland State line, thence west along the Virginia-Maryland State line to the Chesapeake Bay, thence across the Chesapeake Bay to the Potomac River, thence north along the Potomac River to junction U.S. Highway 301, thence west along U.S. Highway 301 to junction Virginia Highway 218, thence west along Virginia Highway 218 to point of beginning, on the one hand, and, on the other, points in Illinois and those points in Indiana, Ohio and West Virginia on, south and west of a line beginning at the Virginia-West Virginia State line and extending west along U.S. Highway 460 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction West Virginia Highway 85, thence north along West Virginia Highway 85 to junction West Virginia Highway 3.

Thence west along West Virginia Highway 3 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 52, thence west along U.S. Highway 52 to junction Ohio Highway 104, thence north along Ohio Highway 104 to junction Ohio Highway 73, thence north along Ohio Highway 73 to junction U.S. Highway 68, thence north along U.S. Highway 68 to junction U.S. Highway 35, thence west along U.S. Highway 35 to junction Ohio Highway 48, thence north along Ohio Highway 48 to junction U.S. Highway 40, thence west along U.S. Highway 40 to junction U.S. Highway 35, thence north along U.S. Highway 35 to junction Indiana Highway 15, thence north along Indiana Highway 15 to junction Indiana Highway 114, thence west along Indiana Highway 114 to junction Indiana Highway 14, thence west along Indiana Highway 14 to junction U.S. Highway 31, thence north along U.S. Highway 31 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 35, thence north along U.S. Highway 35 to Michigan City, Indiana, thence to Lake Michigan, thence west along the shores of Lake Michigan to the Indiana-Illinois State line and points in Michigan on and northwest of a line be-

ginning at Menominee, Mich., and extending north along the shores of Green Bay to Lake Michigan, thence north along the shores of Lake Michigan to Manistique, Mich., thence east along U.S. Highway 2 to junction Michigan Highway 77, thence north along Michigan Highway 77 to junction Michigan Highway 28, thence east along Michigan Highway 28 to junction Michigan Highway 123, thence northeast along Michigan Highway 123 to Paradise, Mich., thence to Lake Superior. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E374, filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Richmond, Va., and extending south along U.S. Highway 1 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction U.S. Highway 460, thence southeast along U.S. Highway 460 to junction Virginia Highway 620, thence east along Virginia Highway 620 to junction U.S. Highway 258, thence east along U.S. Highway 258 to the James River, thence southeast along the James River to the Chesapeake Bay, thence north along the Chesapeake Bay to the York River, thence along the York River to Yorktown, Virginia, thence along the Colonial Parkway to junction Interstate Highway 64, thence west along Interstate Highway 64 to the point of beginning, on the one hand, and, on the other, points in Illinois and Indiana, and those points in Ohio, and West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction U.S. Highway 21, thence north along U.S. Highway 21 to junction U.S. Highway 60, thence west along U.S. Highway 60 to Interstate Highway 77, thence north along Interstate Highway 77 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction Ohio Highway 681.

Thence north along Ohio Highway 681 to junction Ohio Highway 356, thence north along Ohio Highway 356 to junction Ohio Highway 56, thence west along Ohio Highway 56 to junction Ohio Highway 328, thence north along Ohio Highway 328 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction U.S. Highway 23, thence north along U.S. Highway 23 to junction Ohio Highway 568, thence north along Ohio Highway 568 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction Ohio Highway 25, thence north along Ohio Highway 25 to junction Ohio Highway 64, thence north along Ohio Highway 64 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Ohio Highway 109, thence north along Ohio Highway 109 to the Ohio-Michigan State line and points in Michigan on and northwest of a line beginning at Lake Michigan, and extending east along the Indiana-Michigan State line to the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to junction Michigan Highway 52, thence north along Michigan Highway 52 to junction U.S. Highway 223, thence northwest along U.S. Highway 223 to junction U.S. Highway 127, thence north along U.S. Highway 127 to junction Interstate Highway 94, thence east along Interstate Highway 94 to junction Michigan Highway 14, thence east along Michigan Highway 14 to junction Interstate Highway 96, thence east along Interstate Highway 96 to the Detroit River. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E375), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction Virginia Highway 693, thence northeast along Virginia Highway 693 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to the Virginia-West Virginia State line, thence west along the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending south along Virginia Highway 674 to junction Virginia Highway 123, thence south along Virginia Highway 123 to junction U.S. Highway 1 to Woodbridge, thence north along U.S. Highway 1 to the Occoquan River, thence east along the Occoquan River to the Potomac River, thence south along the Potomac River to the King George-Westmoreland County line, thence south along the King George-Westmoreland County line to the King George-Essex County line.

Thence west along the King George-Essex County line to the Caroline-Essex County line, thence south along Caroline-Essex County line to the Caroline-King and Queen County line, thence west along the Caroline-King and Queen County line to the Caroline-King William County line, thence southwest along the Caroline-King William County line to the Hanover-King William County line, thence southeast along the Hanover-King William County line to the Hanover-New Kent County line, thence southwest along the Hanover-New Kent County line to the Henrico-New Kent County line, thence southeast along the Henrico-New Kent County line to the Henrico-Charles City County line, thence south along the Henrico-Charles City County line to the James River, thence south along the James River to Hopewell, Virginia, thence southwest along the Virginia Highway 36 to junction U.S. Highway 460, thence southeast along U.S. Highway 460 to junction U.S. Highway 13 at Suffolk, Virginia, and thence south along U.S. Highway 13 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E376), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 221, thence west along U.S. Highway 221 to junction U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending south along U.S. Highway 522 to junction U.S. Highway 340, thence south along U.S. Highway 340 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 151, thence south along Virginia Highway 151 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junctoin U.S. Highway 501, thence south along U.S. Highway 501 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction Virginia Highway 137, thence east along Virginia Highway 137 to junction Virginia Highway 46, thence south along Virginia Highway 46 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E377), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606

to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 221, thence west along Virginia Highway 221 to junction U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-North Carolina State line, thence east along the Virginia-North Carolina State line to junction Virginia Highway 8, thence north along Virginia Highway 8 to junction U.S. Highway 460, thence north along U.S. Highway 460 to the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in the District of Columbia and Maryland on and east of a line beginning at the Pennsylvania-Maryland State line and extending south along Maryland Highway 30 to junction Maryland Highway 27, thence south along Maryland Highway 27 to junction U.S. Highway 140, thence south along U.S. Highway 140 to junction Maryland Highway 97, thence south along Maryland Highway 97 to junction Maryland Highway 28, thence west along Maryland Highway 28 to junction Maryland Highway 189, thence south along Maryland Highway 189 to the Potomac River, thence south along the Potomac River to the Chesapeake Bay, thence across the Chesapeake Bay to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Pulaski and Lynchburg, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28044 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SYSTEMS AGENCIES

Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 122]

HEALTH SYSTEMS AGENCIES

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to add to Title 42, Code of Federal Regulations, a new Subchapter K, entitled "Health Planning and Resources Development," to add a new Part 122, entitled "Health Systems Agencies," to such Subchapter K, and to add a new Subpart A entitled "Definitions," a new Subpart B, entitled "Designation of Health Systems Agencies," and a new Subpart C, entitled "Grants to Health Systems Agencies," to such Part 122.

The National Health Planning and Resources Development Act of 1974 (P.L. 93-641, January 4, 1975) added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Public Health Service Act as geographic regions appropriate for the effective planning and development of physical and mental health services and to provide grant assistance to such agencies. Each such health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

This notice proposes regulations to implement portions of Title XV dealing with health systems agencies. The Secretary intends to propose additional regulations implementing other provisions of the National Health Planning and Resources Development Act of 1974. In particular, proposed regulations governing the designation and funding of State health planning and development agencies will be published shortly.

The purpose of the proposed new Subpart B is to set forth the eligibility and operational requirements for health systems agencies. The Secretary wishes to call attention to section 122.109 "Governing body; executive and other committees", and in particular to paragraph (d) thereof. Throughout the process incident to the formulation of this Notice of Proposed Rulemaking, the Department has received numerous proposals concerning the governing structure of a public health systems agency and, specifically, the relationship of the regular public governing board of such entity to the governing body for health planning mandated by section 1512(b)(3) of the Act. The Secretary has concluded that this relationship is governed, as a matter of law, by the provisions of section 1512(b)(3) which are reflected in § 122-.109(d).

As proposed, these regulations would permit (but not require) the regular public governing board of a public health systems agency to exercise considerable authority over its health planning and resources development program. This would include authority to:

(1) Select and remove members of the separate governing body for health planning;

(2) Establish personnel policies and review the appointment of the Executive Director and staff;

(3) Establish, execute, and revise the agency's budget;

(4) Set rules and regulations for the functioning of the agency;

(5) Review and comment on any proposed action of the separate governing body.

The purpose of proposed new Subpart C is to establish regulations implementing the Secretary's authority pursuant to section 1516 of the Act to make grants to designated health systems agencies.

In order to expedite the review procedures for the designation and funding of health systems agencies, notice is hereby given that applications for designation and funding may be submitted prior to the publication of final regulations in accordance with application requirements set forth in this notice. Application materials and further information may be obtained from the Regional Health Administrator in each of the Department's ten regional offices.

It should be noted that these application materials and requirements are based on the proposed regulations, and that final action with respect to any applications submitted will not be taken by the Department until final regulations are published. Furthermore, should the final regulations differ from the proposed regulations, applications filed on the basis of the proposed regulations will be required to be revised or amended as may be necessary to conform to the final regulations.

In accordance with the requirements of Section 1515, the Secretary will consult with the Governor of each State in which a health service area is located prior to designation of a health systems agency for that health service area. Since Governors are in an excellent position to know the unique State characteristics which would affect a health systems agency's ability effectively to carry out a health planning and resources development program, the Secretary intends to give considerable weight to the Governors' recommendations. Governors have been encouraged to assume a leadership role in the designation process, and eligible applicants are hereby encouraged to contact Governors for a description of any issues or procedures which the Governor considers it necessary for the applicant to address.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the proposed regulations may be presented in writing, preferably in triplicate, to the Office of Policy Coordination, Bureau of Health Planning and Resources Development, Room 1127, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received in response to this notice will be available for public inspection and copying at the Office of Policy Coordination on weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 5:00 p.m. All relevant material received not later than November 17, 1975 will be considered.

It is therefore proposed to amend Title 42 by adding thereto a new Subchapter K and Part 122, as set forth below.

Dated: September 15, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 9, 1975.

DAVID MATHEWS,
Secretary.

SUBCHAPTER K—HEALTH PLANNING AND RESOURCES DEVELOPMENT

PART 120 [RESERVED]

PART 121 [RESERVED]

PART 122—HEALTH SYSTEMS AGENCIES

Subpart A—Definitions

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AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 1515 and 1516 of the Public Health Service Act, 88 Stat. 2239, 2241; (41 U.S.C. 300*l*-4, 300*l*-5).

Subpart A—Definitions

§ 122.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "A-95 Agency" means an area-wide planning and development clearinghouse established under Title IV of the Intergovernmental Cooperation Act of 1968.

(c) "Conditionally designated health systems agency" means an entity which has been designated as a health systems agency on a conditional basis pursuant to section 1515(b)(1) of the Act.

(d) "Designation agreement" means an agreement entered into or renewed pursuant to section 1515 of the Act.

(e) "Fully designated health systems agency" means an entity which has been designated as a health systems agency pursuant to section 1515(c)(1) of the Act.

(f) "Governing board" means the body which has responsibility for the overall governance of a public regional planning body or single unit of general local government.

(g) "Governing body" means, in the case of a nonprofit private entity or similar legal mechanism, the governing body of such entity or mechanism and, in the case of a public regional planning body or single unit of general local government, the governing body for health planning of such body or single unit as required by section 1512(b)(3) of the Act which is responsible for the health planning and development functions of such body or single unit.

(h) "Governor" means the chief executive officer of a State or his designee.

(i) "Grant period" means the period with respect to which assistance is provided under Subpart C of this part.

(j) "Health systems agency" or "agency" means a conditionally or fully designated health systems agency as defined in paragraphs (c) and (e) of this section.

(k) "Health resources" includes health services, health professions personnel, and health facilities, except that such term does not include Christian Science sanitoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts.

(l) "Non-metropolitan area" means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget.

(m) "PSRO" means an entity designated as a Professional Standards Review Organization under section 1152 of the Social Security Act.

(n) "Nonprofit", as applied to any entity, means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any private shareholder or individual.

(o) "Provider of health care" means an individual:

(1) Who is a direct provider of health care (including a physician (doctor of medicine or doctor of osteopathy), dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration, or

(2) Who is an indirect provider of health care in that the individual:

(i) Holds a fiduciary position with or has a fiduciary interest in, any entity described in paragraph (o)(2)(ii)(B) or (D) of this section; (for purposes of this paragraph, a "fiduciary position or interest" as applied to any entity means a position or interest with respect to such entity affected with the character of a trust, including members of boards of directors and officers, majority shareholders, agents and attorneys); or (ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or a combination of the following:

(A) Fees or other compensation for research into or instruction in the provision of health care;

(B) Entities (or associations or organizations composed of such entities) engaged in the provision of health care or in such research or instruction;

(C) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; and

(D) Entities (or associations or organizations composed of such entities) engaged in producing drugs or such other articles;

(iii) Is a member of the immediate family of an individual described in paragraph (o)(1) or paragraph (o)(2)(i), (ii), or (iv) of this section (for purposes of this paragraph, "immediate family" as applied to any individual includes only his parents, spouse, children, brothers and sisters who reside in the same household); or

(iv) Is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

(p) "Jurisdiction", as applied to any unit of general local government, means the geographical area within which such unit exercises general purpose political authority.

(q) "Unit of general local government" means (1) any city, county, township, town, borough, parish, village or other general purpose subdivision of a State; or (2) a recognized Indian tribal government.

(r) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(s) "State" means any one of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(t) "Statewide health coordinating council" or "SHCC" means the body established pursuant to section 1524 of the Act to advise the State health planning and development agency.

(u) "State health planning and development agency" or "State Agency" means an agency of State government selected by the Governor and designated in an agreement entered into pursuant to section 1521 of the Act to carry out the State's health planning and development program.

Subpart B—Designation of Health Systems Agencies

§ 122.101 Purpose and scope.

(a) Section 1515 of the Public Health Service Act authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Act as geographical regions appropriate for the effective planning and development of physical and mental health services. Each such health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

(b) The regulations of this subpart are applicable to agreements, pursuant to section 1515 of the Public Health Service Act, under which the Secretary conditionally or fully designates an entity as a health systems agency for a health service area.

§ 122.102 Eligibility.

To be eligible to enter into an agreement under section 1515 of the Act for designation as a health systems agency for a health service area, an entity must be:

(a) A nonprofit private corporation (or similar legal mechanism such as a public benefit corporation) which is incorporated in the State in which the largest part of the population of the health service area resides. Such corporation may not be a subsidiary of, or be otherwise controlled by, any other private or public corporation or other legal entity, and must be authorized only to engage in health planning and development functions;

(b) A single or multipurpose public regional planning body whose planning area is identical to the health service area, and which (1) has a governing board composed of a majority of elected officials of units of general local government or (2) was, prior to January 4, 1975, in existence and authorized by State law to carry out health planning and review functions such as those described in section 1513 of the Act; *Provided however*, That such public regional planning body may not be an agency of state government; or

(c) A single unit of general local government if the area of the jurisdiction of that unit is identical to the health service area; *Provided*, That a health systems agency may not be an educational institution or operate such an institution. For purposes of this subpart,

(1) an educational institution means an institution whose primary purpose is the provision of educational programs, and (2) an entity shall be deemed to operate such an institution where it has the direct responsibility for administering an educational institution or supervising its administration.

§ 122.103 Application.

An application under this subpart shall be submitted at such time and in such form and manner as the Secretary may prescribe, and shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the agreement entered into pursuant to § 122.106 or 122.107 of this subpart.[1]

§ 122.104 Contents of applications.

In addition to such other information as the Secretary may require, an approvable application shall contain:

(a) In the case of an application for conditional designation pursuant to section 1515(b) of the Act and this subpart:

(1) A copy of the Articles of Incorporation and by-laws of the applicant (or, in the case of a public applicant, its charter, authorizing statute, ordinance, or executive order and any internal rules or regulations governing its operations) which must meet the requirements of § 122.104(b)(1) of this subpart or, if the entity is not incorporated (or, in the case of a public entity, is not chartered or otherwise authorized by statute, ordinance, or executive order) or does not have by-laws (or, with respect to a public entity, has not adopted rules or regulations governing its operations) at the time of application, a description of the proposed articles of incorporation (or, in the case of a public entity, its proposed charter, authorizing statute, ordinance, or executive order) and by-laws (or, with respect to a public entity, its proposed rules or regulations) and the timetable for obtaining such incorporation and adopting such by-laws (or, in the case of a public entity, for obtaining its authorization and adopting the rules or regulations governing its operations) prior to entering into an agreement pursuant to § 122.106 of this subpart.

(2) A description of the health care needs and resources within the health service area.

(3) A detailed description of the functions which the applicant proposes to carry out during the period of the Conditional Designation Agreement, the manner in which it proposes to carry out such functions, and a time-phased plan for the orderly assumption of all the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act (hereinafter referred to as the "work program").

(4) In the case of an applicant which has decided to establish subarea advisory councils, a detailed description of the need for and proposed use of such subarea advisory councils.

(5) A detailed description of the current and projected staff to be employed by the applicant during the period of the conditional designation agreement, including their qualifications, authority, functions, numbers, assignments, and the manner in which they will be organized to carry out the agency's work program.

(6) A detailed description of the services the applicant expects to be provided by contractors and consultants.

(7) A detailed description of the facilities, equipment, and financial resources available to the applicant.

(8) A detailed description of the manner in which the residents of the health service area have been involved in the formation of the applicant entity and the submission of the application under this subpart including evidence that the applicant has provided at a minimum an opportunity for members of the public to express their views on the qualifications, proposed governing body composition, and proposed work program of the applicant both in writing and at a public meeting sponsored by the applicant entity. Notice of the time, place, and purpose of such meeting shall be given to members of the public through publication of a notice in at least two newspapers of general circulation throughout the health service area at least two weeks prior to such meeting and at least 30 days prior to the date of submission of the application to the Secretary. Such notice shall also provide that a statement of the qualifications and proposed governing body composition of the applicant and a copy of the proposed work program will be available for public inspection and copying at a specified address, and shall invite written comments thereon by members of the public. A summary of the comments made at the public meeting and copies of any written comments of members of the public shall be appended to the application.

(9) In the case of a nonprofit private applicant, a detailed description of the manner in which local public officials have been involved in the formation of the applicant entity and the submission of the application. Copies of any written comments of such officials shall be appended to the application.

(10) A list of the proposed members of the applicant's governing body and executive committee, if any, including their names, occupations, affiliations, the basis for their appointment to the governing body in light of the requirements of section 1512(b)(3)(C) of the Act and § 122.109 of this subpart, and the method utilized in selecting such members.

(11) In the case of a public applicant, a detailed description of the manner in which its governing board and governing body will operate, consistent with § 122.109 of this subpart, in carrying out the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act and this subpart.

(12) Assurances satisfactory to the Secretary that upon completion of the period of conditional designation the applicant will meet all the requirements of section 1512(b) of the Act and be qualified to perform all of the functions prescribed by section 1513 of the Act.

(b) In the case of an application for full designation pursuant to section 1515(c) of the Act and this subpart:

(1) A copy of the Articles of Incorporation and by-laws (or, in the case of a public applicant, its charter, authorizing statute, ordinance, or executive order, and any internal rules or regulations which govern its operations) of the applicant, which must provide:

(i) That the applicant has the authority to carry out all the responsibilities and functions of a health systems agency as provided in section 1513 of the Act and this subpart;

(ii) That in the case of a private entity, it is nonprofit;

(iii) The manner in which governing body members will be selected and replaced, including provision for:

(A) Removal of governing body members for good cause; (B) replacement of members in the event of resignation, death, or removal; (C) length of terms of members, which may not exceed three years; and (D) limitations on the number of consecutive terms which any member of the governing body may serve, which may not exceed two such terms;

(iv) The manner in which the governing body will carry out its responsibilities, including provisions for voting and quorums;

(v) The manner in which the executive committee and subcommittees or advisory groups, if any, will be selected consistent with section 1512(b)(3) of the Act, their responsibilities, and the manner in which they will carry out those responsibilities;

(vi) The manner in which subarea advisory councils, if any, will be established, their members nominated, a description of their functions, and the manner in which they will carry out those functions;

(vii) The manner in which health systems agency representatives to the Statewide Health Coordinating Council will be nominated;

(viii) The manner in which the public will be given adequate notice of business meetings of the agency, which at a minimum must provide for periodic publication in two newspapers of general circulation throughout the health service area of a schedule of the regular meetings of the agency and the address where specific agenda information may be obtained in advance of such meetings; and

(ix) Requirements relating to conflicts of interest which shall be designed to preclude the use of membership on the governing body for purposes which are, or give the appearance of being, motivated by private gain on the part of any member.

(2) A detailed description of the manner in which the applicant has met its responsibilities during any prior period of designation under section 1515(b)(1) or 1515(c)(1) of the Act.

[1] Applications and instructions may be obtained at the Regional Offices of the Department of Health, Education, and Welfare for the region in which the applicant is located.

(3) A detailed description of the current and projected staff to be employed by the applicant during the period of the designation agreement, including their qualifications, authority, functions, numbers, assignments, and the manner in which they will be organized to carry out the functions of the agency.

(4) A detailed description of the services and the approximate costs of the services the applicant expects to be provided by contractors and consultants.

(5) A list of the members of the applicant's governing body and executive committee, if any, including their names, occupations, affiliations, the basis for their appointment to the governing body in light of the requirements of section 1515(b)(3)(C) of the Act and § 122.109 of this subpart, and the method utilized in selecting such members.

(6) A detailed description of the facilities, equipment and financial resources available to the applicant.

(7) A detailed description of the manner in which the community has been involved in the submission of the application under this subpart, including evidence that the applicant has provided at a minimum an opportunity for members of the public to express their views on the qualifications, proposed governing body composition, and proposed work program of the applicant both in writing and at a public meeting sponsored by the applicant entity. Notice of the time, place and purpose of such meeting shall be given to members of the public through publication of a notice in at least two newspapers of general circulation throughout the health service area at least two weeks prior to such meeting and at least 30 days prior to the submission of the application to the Secretary. Such notice shall also provide that a statement of the qualifications and proposed governing body composition of the applicant and a copy of the proposed work program will be available for public inspection and copying at a specified address, and shall invite written comments thereon by members of the public. A summary of the comments made at the public meeting and copies of any written comments shall be appended to the application.

(8) In the case of private nonprofit applicant entities, a detailed description of the manner in which local officials have been involved in the submission of the application. Copies of any written comments of local officials shall be appended to the application.

(9) A projected work program setting forth the manner in which the applicant proposes to carry out the responsibilities and functions of a health ssytems agency as set forth in section 1513 of the Act and this subpart.

(10) In the case of a public applicant, a detailed description of the manner in which its governing board and governing body will operate, consistent with § 122.109 of this subpart, in carrying out the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act and this subpart.

(11) Assurances satisfactory to the Secretary that the applicant meets the requirements of section 1512(b) of the Act and is qualified to perform or is performing the functions prescribed by section 1513 of the Act and this subpart.

§ 122.105 Selection of agencies.

(a) *Conditionally designated agencies.*

(1) The Secretary, after consultation with and consideration of the recommendations of the appropriate Governor in accordance with paragraph (a)(2) of this section, may enter into a Conditional Designation Agreement with an entity whose designation will, in his judgment, best promote the purposes of section 1513 of the Act and this subpart, taking into consideration among other pertinent factors:

(i) The adequacy of the proposed work program for orderly agency development to meet the requirements for full designation after the period of conditional designation,

(ii) The reasonableness of the proposed work program in light of the financial resources to be available to the applicant,

(iii) The adequacy of the governing body selection procedures in assuring that all affected groups in the health service area had reasonable opportunity to be represented on the governing body;

(iv) The extent and type of involvement of health service area residents in development of the application for designation specifically evidence that the public meeting required by § 122.104(a)(6) of this subpart was widely publicized and that comments made were taken into consideration by the applicant;

(v) The extent of the knowledge within the applicant organization of the needs and resources within the health service area,

(vi) The adequacy of plans for developing working relationships with appropriate A-95 agencies, PSRO's, State Agencies and Statewide Health Coordinating Councils; with health systems agencies which are designated for health service areas within the same standard metropolitan statistical area (as determined by the Office of Management and Budget) as the health service area for which the applicant is seeking designation; and with other planning bodies, and

(vii) The extent to which the application provides for the consideration of special or unique circumstances which affect the application of criteria (i) through (vi) within a State; *Provided*, That in considering applications the Secretary shall give priority to an application which has been recommended for approval by each entity which has received a grant under section 314(b) of the Act to develop a plan for all or part of the health service area with respect to which the application was submitted, and by each regional medical program established in such area under Title IX of the Act.

(2) Prior to entering into a Conditional Designation Agreement with an entity with respect to a particular health service area, the Secretary will provide the Governor of each State in which such health service area is located 30 days in which to review and make recommendations concerning such applications for conditional designation. Where the Secretary does not accept such recommendations, he will provide the Governor with a detailed statement of the reasons for the decision. Further, the Secretary will consult with such other State and local officials as he may deem appropriate, with respect to such designation.

(b) *Fully designated agencies.*

(1) The Secretary, after consultation with and consideration of the recommendation of the appropriate Governor in accordance with paragraph (b)(2) of this section, may enter into a Full Designation Agreement with an entity whose performance during a period of conditional designation that is not less than one year and its application for full designation demonstrate to the satisfaction of the Secretary that it is capable of fulfilling, in a satisfactory manner, the requirements and functions of a health systems agency as provided in sections 1512 and 1513 of the Act and this subpart; *Provided*, That in considering applications the Secretary will give priority to an application which has been recommended for designation by each entity which has received a grant under section 314(b) of the Act to develop a plan for all or part of the health service area with respect to which the application was submitted, and by each regional medical program established in such area under Title IX of the Act.

(2) Prior to entering into a Full Designation Agreement with an entity with respect to a particular health service area, the Secretary will provide the Governor of each State in which such health service area is located 30 days in which to review and make recommendations to the Secretary concerning such application for full designation. Where the Secretary does not accept such recommendations he will provide the Governor with a detailed statement of the reasons for the decision. Further, the Secretary will consult with such other State and local officials as he may deem appropriate with respect to such designation.

§ 122.106 Conditional designation agreements.

In accordance with § 122.105(a) of this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Conditional Designation Agreement) with an entity under which the entity will be designated as a health systems agency on a conditional basis with a view toward determining the entity's ability at the end of the period of its conditional designation to meet the requirements and perform the functions of a fully designated health systems agency under the Act and this subpart. Such agreement shall provide that:

(a) The entity is designated as the conditionally designated health systems agency for a health service area for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) During the period of conditional designation, the Secretary shall require the agency to meet only such requirements of section 1512(b) of the Act and perform only such of the functions prescribed by section 1513 of the Act and this subpart as he determines such agency to be capable of meeting and performing, and the agency shall perform only those functions under the agreement which the Secretary, in writing, directs it to perform; *Provided*, That the agency must perform at least the functions described in § 122.107(c) (1), (2), (3), (4), (5), (10), (11), (12), (13) and (14), of this subpart; *Provided further*, that an agency may not perform the function described in § 122.107(c)(9) during any period of conditional designation.

(c) During the period of conditional designation the numbers and types of requirements and functions may, in accordance with paragraph (b) of this section, be progressively increased as the agency, in the judgment of the Secretary, becomes capable of added responsibility; *Provided*, That an agency may not perform the functions described in § 122.107(c) (15) or (17), during the first year of conditional designation; and *Provided further*, That an agency may not in any event perform the functions described in § 122.107(c) (15) and (17) until such agency has developed a health systems plan and annual implementation plan in accordance with section 1513(b) (2) and (3) of the Act and the Secretary has in writing authorized the agency to perform such functions.

(d) The agency shall, during the entire period of the Conditional Designation Agreement, maintain a governing body which meets the requirements of section 1512(b)(3) of the Act and § 122.-109 of this subpart.

(e) The agency shall promptly notify the Secretary of changes in its legal status, organization, or executive director which occur during the period of the Conditional Designation Agreement.

(f) The agency shall agree to meet the requirements of the Act, this subpart, and any additional conditions set forth in the Conditional Designation Agreement.

§ 122.107 Full designation agreements.

In accordance with § 122.105(b) of this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Full Designation Agreement) with an entity under which the entity agrees to perform all the functions of a health systems agency under the Act and this subpart. Such Full Designation Agreement shall provide that:

(a) The entity is designated by the Secretary as a health systems agency for a health service area for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) The agency shall continue to meet the requirements of section 1515(b)(1) of the Act with respect to legal structure.

(c) The agency shall perfrom the following functions:

(1) The agency shall assemble and analyze data concerning: (i) The status (and its determinants) of the health of the residents of the area; (ii) the status of the health care delivery system in the area and the use of that system by the residents of the area; (ii) the effect the area's health care delivery system has on the health of the residents of the area; (iv) the number, type and location of the area's health services, manpower, and facilities; (v) the patterns of utilization of the area's health resources; and (vi) the environmental and occupational exposure factors affecting immediate and long-term health conditions. In carrying out its responsibility to assemble such data, the agency shall coordinate its activities with the cooperative system provided for under section 306(e) of the Act. The agency shall not undertake the collection of data where adequate data is already collected by other entities including those in the cooperative system provided for under section 306(e) of the Act. Where the agency wishes to undertake the design, development and operation of a new data system, whether directly or by the use of contractors or consultants, it must obtain the prior approval of the Secretary.

(2) The agency shall, after appropriate consideration of the recommended national guidelines for health planning policy issued by the Secretary under section 1501 of the Act, the recommendations of the State Agency designated for each State in which the agency's health service area is located concerning measures to meet Statewide health needs, priorities set forth in section 1502 of the Act, and the data developed pursuant to paragraph (1), establish, annually review, and amend as necessary a health systems plan (hereinafter referred to as the "HSP") which shall be a detailed statement of goals (i) describing a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (ii) which are responsive to the unique needs and resources of the area; and (iii) which take into account and are consistent with the national guidelines for health planning policy issued by the Secretary under section 1501 of the Act respecting supply, distribution, and organization of health resources and services. Before establishing an HSP, the agency shall conduct a public hearing on the proposed HSP and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to such hearing, the agency shall publish in at least two newspapers of general circulation throughout its health service area a notice of its consideration of the proposed HSP, the time and place of the hearing, the place at which interested persons may consult the HSP in advance of the hearing and the place and period during which to submit written comments to the agency concerning the HSP. After the HSP has been established, the agency shall distribute copies of the HSP to all public libraries in the health service area and shall publish in accordance with the requirements of this paragraph a notice stating that the HSP has been adopted and that the HSP is available at specified addresses for inspection and copying by interested persons.

(3) The agency shall establish, annually review, and amend as necessary an annual implementation plan (hereinafter referred to as the "AIP") which describes objectives which will achieve the goals of the HSP and priorities among the objectives. In establishing the AIP, the agency shall give priority to those objectives which will maximally improve the health of the residents of the area, as determined on the basis of the relation of the cost of attaining such objectives to their benefits, and which are fitted to the special needs of the area. After the AIP has been established the agency shall distribute copies of the AIP to all public libraries in the health service area and publish in at least two newspapers of general circulation throughout its health service area a notice stating that an AIP has been adopted and that the AIP is available at specified addresses for inspection and copying by interested persons.

(4) The agency shall annually provide copies of the agency's HSP to the State Agency and Statewide Health Coordinating Council designated for each State in which the agency's health service area is located in accordance with their requirements, for integration into the State health plan pursuant to sections 1523(a) (2) and 1524(c)(2)(A) of the Act. As required by the SHCC, the agency shall revise its HSP to achieve appropriate coordination with the HSPs of other health systems agencies which participate in the SHCC or to deal more effectively with statewide health needs.

(5) The agency shall provide to the Statewide Health Coordinating Council designated for each State in which the agency's health service area is located copies of the agency's AIP.

(6) The agency shall develop and publish specific plans and projects for achieving the objectives established in the AIP which shall include specific strategies for the development and implementation of programs and the priority assigned to the plans and projects developed.

(7) The agency shall seek, to the extent practicable, to implement its HSP and AIP with the assistance of individuals and public and private entities in its health service area.

(8) The agency may provide, in accordance with the priorities established in the AIP, technical assistance to individuals and public and private entities for the development of projects and programs which the agency determines are necessary to achieve the health systems described in the HSP, including assistance in meeting the requirements of the agency with respect to reviews of proposed health systems changes in accordance with section 1532 of the Act and applicable regulations of the Secretary.

(9) The agency shall, in accordance with the priorities established in the AIP, make grants to public and nonprofit

private entities and enter into contracts with individuals and public and private nonprofit entities to assist them in planning and developing projects and programs which the agency determines are necessary for the achievement of the health systems described in the HSP. Such grants and contracts shall be made from the Area Health Services Development Fund of the agency established with funds provided under grants made under section 1640 of the Act and in accordance with such regulations as the Secretary may prescribe.

(10) The agency shall seek to enter into a written agreement with each PSRO whose PSRO area is in whole or in part in the agency's health service area, for the purpose of achieving coordination of their respective activities and which shall contain at a minimum, the following:

(i) Provision for development of a common data base and exchange of data, subject to the requirements of section 1166 of the Social Security Act;

(ii) Provision for review and comment by the PSRO on the HSP and AIP, especially with respect to quality of care, utilization of services and facilities, and need for new resources;

(iii) Provision for technical assistance to be made available by the agency to the PSRO; and

(iv) Provision to assure that actions taken by the PSRO which alter the health system will be taken in a manner which is consistent with the HSP and the AIP in effect for the area. Where an agency has been unable to enter into an agreement with a PSRO within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure such an agreement and the reason why such an agreement has not been entered into.

(11) The agency shall seek to enter into a written agreement with each A-95 Agency whose area of responsibility is in whole or in part in the agency's health service area, for the purpose of achieving coordination of their respective activities and which shall, at a minimum, contain the following:

(i) Provision for organizational and procedural arrangements for coordination of plan development;

(ii) Provision for formal arrangements for review of health and health-related matters subject to review to assure concurrent and complementary actions;

(iii) Provision for technical assistance to be made available by the agency to the A-95 Agency;

(iv) Provision to assure that actions taken by the A-95 agency which alter the health systems will be taken in a manner which is consistent with the HSP and the AIP in effect for the area; and

(v) Provision for development of a common data base and exchange of data. Where an entity has been unable to enter into an agreement with an A-95 agency within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure an agreement and the reasons why such an agreement has not been entered into.

(12) Where an agency is designated for a health service area which contains only a portion of a standard metropolitan statistical area (as determined by the Office of Management and Budget), the agency shall seek to enter into a written agreement with the other entity or entities which have been designated as the health systems agency or agencies for the remaining portions of the standard metropolitan statistical area, for the purpose of achieving coordination of their respective activities. The agreement shall contain at a minimum the following:

(i) Provision for review and comment on the HSP, AIP, and plans for the use of the Area Health Services Development Fund, when available, by each such health systems agency;

(ii) Provision for organization and procedural arrangements that will result in joint review of projects and policies and exchange of information on activities that have implications throughout the standard metropolitan statistical area.

(iii) Provision for development of a common data base. Where an agency has been unable to enter into such an agreement or agreements within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure an agreement and the reasons why such agreement has not been entered into.

(13) The agency shall coordinate its activities with (i) entities referred to in paragraphs (1) and (2) of section 204 (a) of the Demonstration Cities and Metropolitan Development Act of 1966, (ii) regional and local entities the views of which are required to be considered under regulations prescribed under section 403 of the Intergovernmental Cooperation Act of 1968 to carry out section 401(b) of such Act, (iii) other appropriate general or special purpose regional planning or administrative agencies, and (iv) any other appropriate entity in the agency's health service area. Where appropriate, the agency shall secure data for use in the agency's planning and development activities from such entities, provide technical assistance to such entities, and enter into agreements with such entities which will assure that actions taken by such entities which alter the area's health system will be taken in a manner which is consistent with the area's HSP and AIP.

(14) To assist State Agencies in carrying out their functions under paragraphs (4) and (5) of section 1523(a) of the Act, the agency shall review, in accordance with the procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary, the need for new institutional health services proposed to be offered or developed in the health service area of such agency, and make recommendations to the appropriate State Agency respecting such services, in accordance with procedural requirements developed by the State Agency and pursuant to section 1122 of the Social Security Act.

(15) The agency shall review on a periodic basis (but at least every five years) in accordance with the procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary, all institutional health services offered in the health service area of the agency and shall make recommendations to the State Agency for each State in which the agency's health service area is located respecting the appropriateness in the area of such services, in accordance with procedural requirements developed by the State Agencies; *Provided*, That the agency shall develop and implement a plan for such reviews which will result in its initial review of existing institutional health services being completed within three years after the effective date of its initial Full Designation Agreement.

(16) The agency shall annually recommend, in accordance with such regulations as the Secretary may prescribe, to the State Agency for each State in which the agency's health service area is located (i) projects for the modernization, construction, and conversion of medical facilities in the entity's health service area which will achieve the HSP and AIP of the health systems agency, and (ii) priorities among such projects.

(17) The agency shall review and approve or disapprove each specified proposed use within its health service area of Federal funds in accordance with section 1513(c) of the Act and applicable regulations of the Secretary.

(d) The agency shall maintain a staff which meets the requirements of section 1512(b)(2) of the Act and § 122.110 of this subpart.

(e) The agency shall, during the entire period of the Full Designation Agreement, maintain a governing body which meets the requirements of section 1512 (b)(3) of the Act and § 122.109 of this subpart.

(f) The agency shall promptly notify the Secretary of changes in its legal status, organization, or executive director which occur during the period of the Full Designation Agreement.

(g) The agency agrees to meet the requirements of the Act, this subpart, and any additional conditions set forth in the Full Designation Agreement.

§ 122.108 Renewal and termination of agreements.

(a) *Conditionally designated agencies*—(1) *Renewal.* A Conditional Designation Agreement may, at the option of the Secretary and based upon the Secretary's review of the agency's performance and its application for renewal, be renewed for an additional term not to exceed 12 months, but in no case may the total period of conditional designation of an agency exceed 24 months. Where the Secretary determines not to renew such agreement, the agency will be notified in writing of the reasons for such determination.

(2) *Termination.* A Conditional Designation Agreement may be terminated by the agency prior to the expiration of its term upon 90 days written notice to the Secretary which shall set forth the reasons for such termination and its effective date. The Secretary may terminate the Conditional Designation Agreement prior to the expiration of its term upon his determination, after having given the agency at least 90 days written notice and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the agency is not complying with the provisions of the Agreement or is incapable of progressively assuming more functions and responsibilities.

(b) *Fully designated agencies*—(1) *Renewal.* A Full Designation Agreement may be renewed for a period not to exceed 12 months, upon the application by the agency for renewal, if upon review by the Secretary (as provided in section 1535 of the Act) he determines that it has fulfilled, in a satisfactory manner, the functions of a health systems agency as prescribed by section 1513 of the Act and the applicable provisions of this subpart and continues to meet the requirements of section 1512(b) of the Act. A determination by the Secretary not to renew the Agreement will be made only after he has provided the agency with written notice of the reasons for such failure to renew and the opportunity for a hearing before an officer or employee designated for such purpose by the Secretary.

(2) *Termination.* A Full Designation Agreement may be terminated by the agency prior to the expiration of its term upon 90 days written notice to the Secretary which will set forth the reasons for such termination and its effective date. The Agreement may be terminated by the Secretary prior to the expiration of its term if he determines, after having given the agency at least 90 days notice of its deficiencies and the corrective actions required and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the agency is not complying with or effectively carrying out the provisions of the Agreement.

§ 122.109 Governing body: executive and other committees.

(a) *General.* (1) A health systems agency which is a public regional planning body or single unit of general local government shall have, in addition to any other governing board, a governing body for health planning (hereinafter referred to as the "governing body") which is established in accordance with the requirements in paragraphs (b) and (c) of this section and which has the responsibilities prescribed by paragraph (d) of this section.

(2) A health systems agency which is a non-profit private corporation (or similar legal mechanism) shall have a governing body to direct all its health planning and development activities which is established in accordance with the requirements in paragraphs (b) and (c) of this section.

(b) *Composition.* The membership of the governing body of an agency shall meet the following requirements:

(1) A majority (but not more than 60 per centum of the members) shall be residents of the health service area served by the agency who are consumers of health care and who are not (and within the twelve months preceding appointment have not been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area and major purchasers of health care. For purposes of this paragraph, "major purchasers of health care" means entities, other than any entity described in paragraph (b)(2) of this section, which either directly or indirectly provide health care for their employees or members.

(2) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care (of whom not less than ⅓ shall be direct providers of health care) and who represent: (i) physicians (particularly practicing physicians), dentists, nurses, and other health professionals; (ii) health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations); (iii) health care insurers; (iv) health professions schools (which includes schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or veterinary medicine as defined in section 724(4) of the Act, and schools of nursing as defined in section 853 of the Act); and (v) the allied health professions.

(3) The total membership as described in paragraphs (b)(1) and (2) of this section shall:

(i) Include (either through consumer or provider members) a number of public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public agencies in the area concerned with health which is not more than ⅓ of the total membership;

(ii) Include representatives of private agencies in the area concerned with health;

(iii) Include a percentage of individuals who reside in nonmetropolitan areas within the health service area which is equal to the percentage of residents of the area who reside in nonmetropolitan areas;

(iv) If the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose; and

(v) If the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310 of the Act), include at least one member who is representative of such organizations.

(c) *Number of members.* The governing body shall be composed of not less than 10 members nor more than 30 members, except that the number of members may exceed 30 where the governing body has, in accordance with its Articles of Incorporation or by-laws (or in the case of a public entity its charter, authorizing statute, ordinance, or executive order, or any rules or regulations governing its internal management), established an executive committee which meets the requirements of paragraph (f)(1) of this section.

(d) *Responsibilities and authority.* (1) The governing body of a health systems agency shall:

(i) Be responsible for the internal affairs of the agency, including matters relating to the staff of the agency and the agency's budget;

(ii) Be responsible for the adoption of procedures and criteria developed and published pursuant to section 1532 of the Act and applicable regulations of the Secretary to be utilized in the agency's performance of its functions under section 1513 (e), (f) and (g) of the Act;

(iii) Be responsible for issuing an annual report concerning the activities of the agency in accordance with § 122.115 of this subpart; and

(iv) Have the exclusive authority to perform for the agency the functions described in section 1513 of the Act and the agency's designation agreement entered into pursuant to § 122.106 or 122.107 of this subpart. For such purposes the term "exclusive" as it applies to the role of the governing body means that the governing body shall have the sole, undivided authority to act for the agency in performing such functions subject to the provision of paragraph (f)(1) of this section relating to the delegation of functions to an executive committee; *Provided*, That this does not preclude the governing board of a health systems agency which is a public regional planning body or unit of general local government from establishing procedures not inconsistent with the requirements of this part for the functioning of the agency, including an opportunity for such governing board to comment on any action proposed by the governing body in the performance of its functions; and *Provided further*, That such governing board must be given the opportunity to comment on the health systems plan and the annual implementation plan prior to their establishment.

(2) The governing board of a health systems agency which is a public regional planning body or unit of general local government may establish rules and regulations for the exercise of the responsibilities described in paragraph (d)(1) of this section by the governing body; *Provided*, That such rules and regulations are not inconsistent with the Act and the regulations of this part.

(e) *Meetings and conduct of business.* The governing body shall:

(1) Meet at least once in each calendar quarter of a year and at least two additional times in a year unless its executive committee, if any, meets at least twice in that year;

(2) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all its members and at which a quorum, which shall be not less than one-half of its members, is in attendance;

(3) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart; and

(4) Reimburse its members for their reasonable costs incurred in attending meetings of the governing body.

(f) *Executive committee, subcommittees, and advisory groups*—(1) *Executive committee.* (i) A governing body whose membership exceeds 30 shall establish an executive committee of its members, which shall consist of not more than 25 members, shall be composed in accordance with the requirements of paragraph (b) of this section, and shall be delegated the authority to take such action as the governing body is authorized to take, except that the executive committee may not be delegated the responsibility for the establishment and amendment of the health systems plan and annual implementation plan required by section 1513(b)(2) and (3) of the Act.

(ii) The executive committee shall (A) act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members at which a quorum, which shall be not less than ½ of its members, is in attendance, and (B) conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart.

(2) *Subcommittees and advisory groups.* Where in the exercise of its functions the governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to such subcommittee or group in such a manner as to provide that the representation on such subcommittee or group meets the composition requirements of paragraph (b) of this section.

§ 122.110 Health systems agency staff.

(a) A fully designated health systems agency must have a staff of adequate numbers and appropriate skills, as described in paragraph (b) of this section, to carry out the functions of the agency as described in section 1513 of the Act; *Provided*, That an agency must have a staff numbering not less than five professional members or one professional member for every 100,000 population as determined in accordance with § 122.205 of this part, whichever is greater up to a maximum of 25; and *Provided further*, That the staff shall include and shall be headed by a full time executive director who is responsible for the organization and management of the staff.

(b) The staff of the agency shall provide the agency with expertise in at least the following: Administration and management, data management and analysis and systems analysis, health planning theory and techniques, health economics, project management, community relations and organization, and development and use of health resources. The staff shall be organized in such a fashion that the functions of planning and of development of health resources shall be conducted by staffs with skills appropriate to each function.

(c) The staff of the agency shall be selected, paid, promoted, and discharged in accordance with such personnel system as the agency may establish, except that the rate of pay for any position shall not be less than the rate of pay prevailing in the health service area for similar positions in public or private health service entities.

§ 122.111 Contracting for services; consultants.

(a) If necessary for the performance of its functions, and subject to the requirements of paragraphs (b) and (c) of this section, a health systems agency may employ consultants and may contract with individuals and entities for the provision of services.

(b) A health systems agency which employs consultants to assist the agency in the performance of its functions must adopt and follow a uniform policy for the employment of consultants which requires, at a minimum, a written finding by the agency prior to the employment of each consultant that:

(1) The consultant services to be provided are essential to the performance of the agency's function and cannot be performed by persons otherwise presently employed by the agency;

(2) A selection process for consultants has been employed to assure the selection of the most qualified individual available;

(3) The selection of the consultant has been approved by the executive director of the agency;

(4) Where a consultant who resides outside the health service area has been selected, reasonable efforts were first made to obtain a consultant with equivalent qualifications who resides within the health service area;

(5) The payment to the consultant is appropriate considering the individual's qualifications, normal charges for similar services, and the nature of the services rendered; and

(6) Where a governing body member has been selected as a consultant, that the expertise required is not otherwise available within the health service area served by the agency, and the consultant services to be performed are not within the individual's duties and responsibilities as a member of the governing body.

(c) A health systems agency may contract with other entities to assist the agency in the performance of specific administrative support activities such as payroll, accounting, and computer services. The agency may also contract with other entities to provide it with assistance in the performance of the functions assigned to the agency in its designation agreement, except that the agency may not contract for the performance of an entire function for it by another entity; *Provided*, That the agency has made a written finding that the contract services are essential to the performance of the agency's functions, and cannot be provided by persons otherwise employed by the agency; and *Provided further*, That an agency may not contract for the performance of routine staffing and planning functions. All procurements of supplies, equipment, or other services, whether the cost is borne by Federal funds made available to the agency pursuant to section 1516 of the Act or otherwise, must conform to the standards set forth in Subpart P of 45 CFR Part 74.

§ 122.112 Subarea advisory councils.

(a) A health systems agency may establish subarea advisory councils representing parts of the agency's health service area to advise the agency on the performance of its functions. The composition of such council must conform to the requirements of section 1512(b)(3)(C) of the Act.

(b) Consistent with the provisions of § 122.111(c) of this subpart, a health systems agency may make financial and other resources available to the subarea advisory council to assist it in performing agreed upon activities which the agency has requested such council to perform. Such activities may include making recommendations to the agency (1) to assist it in obtaining local or regional advice on the performance of its functions, (2) with regard to proposed membership on the governing body and advisory groups and (3) with regard to planning needs for the local area.

§ 122.113 Private funds, services, or facilities.

(a) No health systems agency (whether conditionally or fully designated) may accept any funds or contributions of services or facilities from any individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources, unless in the case of an entity, it is an organization described in section 509(a) of the Internal Revenue Code of 1954 and is not directly engaged in the provision of health care in the health service area of the agency. The prohibition of this section includes contributions of cash, bonds and other securities, services, property, or equipment as well as payments made to the agency under contracts, grants, or loans; *Provided*, That service on a governing body, executive committee, sub-

committee, subarea advisory council or advisory group shall not be deemed to be a contribution of services.

(b) For purposes of this section, an individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion or support of health resources includes but is not limited to:

(1) With respect to any individual, one who

(i) Is a provider of health care as defined in § 122.1(o) of this part;

(ii) Is an employee of any entity described in paragraph (2) of this section; or

(iii) Holds a fiduciary position or has a fiduciary interest as defined in § 122.1 (o) of this part in any entity described in paragraph (2) of this section.

(2) With respect to any private entity:

(i) Health care institutions (including hospitals, long-term care facilities, and health maintenance organizations) and organizations and associations of such institutions; *Provided*, That an entity will not be considered a health care institution for purposes of this section solely on the basis of providing (directly or indirectly) health care for its employees;

(ii) Health professions schools and organizations and associations of such schools;

(iii) Health professions professional societies;

(iv) Entities engaged in issuing any policy or contract of individual or group health insurance or hospital or medical services benefits and associations and organizations of health care insurers;

(v) Providers of ancillary medical services (including laboratory services, manufacture or sale of medical devices and equipment, and pharmaceutical services);

(vi) Allied health professions training programs;

(vii) Entities producing drugs for individuals or entities for use in the provision of health care or research into or instruction in the provision of health care; and

(viii) Entities which are in a position with respect to the entities listed in this paragraph affected with the character of a trust, including trustees, boards of directors and majority shareholders.

Provided, That private entities which would be included within this paragraph shall not be included if such contribution is being made in connection with the dissolution of the entity in accordance with applicable State law.

§ 122.114 Access of the public to agency records and data.

(a) Each agency shall adopt a policy for making its records and data available to the public for inspection and copying in accordance with section 1512(b)(3)(B) of the Act, which shall include a procedure for the submission of requests to the agency by members of the public, the agency's procedure for handling such requests, and a uniform fee schedule for copying such material which shall be limited to reasonable costs. For purposes of this section, "records and data" includes publications, brochures, pamphlets, punch cards, magnetic tapes, minutes, staff manuals, slides, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the agency in connection with the performance of the agency's functions under its designation agreement and retained by the agency as evidence of the agency's functions, policies, decisions, procedures, operations, programs, or other activities.

(b) Each agency is required to maintain and make available for public inspection and copying an index of the records and data of the agency and must publish within 3 months of the effective date of its designation agreement, in at least two newspapers of general circulation throughout its health service area, a notice setting forth the policy adopted pursuant to paragraph (a) of this section.

§ 122.115 Annual report.

Each agency shall issue an annual report concerning the activities of the agency.

(a) Such report shall include the HSP and AIP developed by the agency pursuant to section 1513(b)(2) and (3) of the Act and this subpart, either in their entirety or by incorporation by reference. Where such plans are included by incorporation by reference, the report shall include a summary of the HSP and AIP and a statement of where copies of the HSP and AIP and supporting documentation may be obtained by interested persons;

(1) A detailed description of the agency's progress in meeting the objectives of its work program during the past year; and

(2) a list of the agency's income, expenses, assets, and liabilities including a list of all contributors to the agency which shall contain the contributor's name, occupation, affiliations and the amount of the contribution.

(b) Such report shall be made available at no cost upon request to the residents of the health service area served by the agency and shall be distributed to all public libraries throughout the health service area as well as to all newspapers, radio stations and television stations serving the population of the health service area. Notice of the availability of the annual report shall appear in at least two newspapers of general circulation throughout the health service area.

Subpart C—Grants to Health Systems Agencies

§ 122.201 Applicability.

The regulations of this subpart are applicable to grants under section 1516 of the Public Health Service Act (42 U.S.C. 300*l*–5) to health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 300*l*–4) to assist in meeting the cost of compensation for health systems agency personnel, collection of data, planning, and the performance of the functions of the health systems agency.

§ 122.202 Eligibility.

Any conditionally or fully designated health systems agency is eligible for a grant under this subpart.

§ 122.203 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe and shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the grant.[1]

(b) The application shall contain the following:

(1) A detailed budget for the grant period;

(2) A statement and justification of the amount of grant funds requested; and

(3) Where the applicant is requesting an increased amount of grant funds pursuant to section 1516(b)(2) of the Act and § 122.204 of this subpart based on its assurance of providing non-Federal funds to be expended or obligated during the grant period, the application shall also contain:

(i) A total dollar figure of the amount of non-Federal funds meeting the requirements of § 122.206 of this subpart that the applicant assures will be expended or obligated during the grant period for the purposes for which funds awarded under this subpart may be expended or obligated, and

(ii) A statement of the dollar figure of the amount of non-Federal funds which the applicant has currently available and a detailed timetable for the applicant's receipt of the remainder of the funds assured, including documentary evidence concerning the sources and amounts of the proposed contributions, such as letters of intent to contribute specific amounts of funds.

§ 122.204 Grant award.

(a) The Secretary will award a grant under this subpart to each health systems agency whose application meets the applicable requirements of the Act and this subpart.

(b) The amount of any grant under this subpart shall be:

(1) With respect to conditionally designated health systems agencies an amount determined by the Secretary in accordance with the formula set forth in section 1516(b)(1) and (2) of the Act, subject to reduction to the amount that the Secretary estimates is the sum needed by the applicant for the purposes of this subpart, taking into consideration:

(i) The scope of the work program for the grant period as set forth in the applicant's designation agreement; and

[1] Applications and instructions may be obtained at the Regional Office of the Department of Health, Education, and Welfare for the region in which the health systems agency is located.

(ii) The staffing and other anticipated costs during the grant period.

(2) With respect to fully designated health systems agencies, an amount computed in accordance with the formula set forth in section 1516(b) of the Act; except that no such grant may be less than $175,000. *Provided*, That if the total of the amounts computed under paragraphs (b)(1) and (b)(2) of this section for any fiscal year exceeds the total of the amounts appropriated for such grants in such year, the amount of the grant for that fiscal year to each agency shall be an amount which bears the same ratio to the amount determined for that agency for that fiscal year under paragraph (b)(1) or (b)(2) of this section as the total of the amounts appropriated for such grants for such fiscal year bears to the total of the amount computed in accordance with paragraphs (b)(1) and (b)(2) of this section; except that the amount of any grant to a fully designated health systems agency for any fiscal year shall not be less than $175,000, unless the amount appropriated for that fiscal year is less than the amount required to make a grant of $175,000 to each such fully designated agency, in which case each fully designated health systems agency shall receive an equal share of the funds available.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation in accordance with § 122.208(c) of this subpart.

§ 122.205 Determination of the population of health service areas.

For purposes of section 1516 of the Act and § 122.204 of this subpart, the population of a health service area will be determined annually by the Secretary on the basis of the latest available estimate from the Department of Commerce. The Secretary shall make available and publish annually in the FEDERAL REGISTER a list of all health service areas and their populations as determined in accordance with this section.

§ 122.206 Assurance of expenditure of non-Federal funds.

(a) In accordance with section 1516 of the Act and § 122.204 of this subpart, an agency may receive an increased amount of grant funds where the agency provides assurance satisfactory to the Secretary that the agency will expend or obligate non-Federal funds during the grant period for the purposes for which grants under this subpart may be made. In determining whether such assurance is satisfactory, the Secretary will take into consideration the agency's past performance in meeting such assurances, and where an agency has previously failed to meet the assurances, the Secretary may require further evidence of the agency's current ability to meet an assurance provided by the agency under this section, including evidence that the agency has the non-Federal funds assured currently available.

(b) The non-Federal funds which an agency may use for the purpose of obtaining an increased amount of grant funds pursuant to section 1516(b)(2) of the Act and § 122.204 of this subpart may be any contribution of funds (excluding in-kind contributions) from public or private sources, including State and local general revenue funds, but shall (1) not include any funds contributed to an agency by an individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources as defined in § 122.113 of this part; (2) not be paid to the agency for the performance of particular services by it; and (3) be contributed to the agency without conditions as to their use other than the condition that the funds be used for the purposes for which a grant under section 1516 and this subpart may be used.

§ 122.207 Grant payments.

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

§ 122.208 Use of grant funds.

(a) Any funds granted pursuant to this subpart, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended solely for carrying out the approved activity in accordance with section 1516 of the Act, the regulations of this subpart, the terms and conditions of the grant award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Funds granted pursuant to this subpart may be expended for the following purposes:

(i) Compensation of agency personnel;

(ii) The performance of the agency's functions as specified in Subpart B of this part;

(iii) Employment of consultants to assist the health systems agency in the performance of its functions in accordance with § 122.111 of this part; and

(iv) Contracts with other entities in accordance with § 122.111 of this part; *Provided*, That grant funds may not be used to make payments under a grant or contract with another entity for the development or delivery of health services or resources.

(c) Funds granted pursuant to this subpart shall be available for obligation during the period of an agency's designation agreement current at the time of the grant award.

§ 122.209 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1966 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(c) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirement of Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, and the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 122.210 Publications and copyright.

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

(b) *Grantees other than local governments.* Where the grantee is not a local government as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from an activity supported by a grant under this subpart, subject, however, to a royalty-free nonexclusive, and irrevocable license in the Department to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

§ 122.211 Grantee accountability.

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

(b) *Accounting for non-Federal funds.* Where a health systems agency has received an increased amount of grant funds based on its assurance of expenditure of non-Federal funds, the agency shall account for the sum total of the amount so assured by presenting or otherwise making available evidence sat-

isfactory to the Secretary of expenditures in such amount during the grant period for costs meeting the requirements of this subpart.

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

(1) *Local governments.* Where the grantee is a local government as defined in Subpart A or 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantee other than local governments.* Where the grantee is not a local government as so defined royalties shall be accounted for as follows:

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

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.*

(d) *Audit.* Where a grantee is a local government as defined in Subpart A of 45 CFR Part 74, audits shall be conducted as provided in 45 CFR 74.61. Where a grantee is not a local government as so defined, it shall arrange for an annual independent financial audit of the approved activity.

§ 122.212 Applicability of 45 CFR Part 74.

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

Subpart
A—General.
B—Cash Depositories.
C—Bonding and Insurance.
D—Retention and Custodial Requirements for Records.
F—Grant-Related Income.
H—Standards for Grantee and Subgrantee Financial Management Systems.
I—Financial Reporting Requirements.
K—Grant Payment Requirements.
L—Budget Revision Procedures.
M—Grant Close-out, Suspension, and Termination.
O—Property.
P—Procurement Standards.
Q—Cost Principles.

§ 122.213 Additional conditions.

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

[FR Doc.75-27884 Filed 10-16-75;8:45 am]

* The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

federal register

FRIDAY, OCTOBER 17, 1975

PART III:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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BERYLLIUM

Proposed Occupational Safety and Health Standard

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-005]

OCCUPATIONAL EXPOSURE TO BERYLLIUM

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 29 CFR by deleting the present standard for beryllium and beryllium compounds contained in § 1910.1000, Table Z-2, and by adding a new occupational safety and health standard for exposure to beryllium as § 1910.1026. 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 beryllium standard will supersede the corresponding maritime and construction standards for exposure to beryllium. 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 proposed standard 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 written comments, interested persons may also file written objections to the proposal and request an informal hearing on the proposal and attendant issues.

The proposed new standard reduces the current permissible employee exposure for an 8-hour time-weighted average concentration, based on a 40-hour work week, to 1.0 microgram of beryllium per cubic meter of air (1.0 $\mu g/m^3$), sets a 5 microgram per cubic meter of air (5 $\mu g/m^3$) ceiling limit for exposures to airborne concentrations of beryllium, eliminates the peak concentration level and proposes a dermal exposure limit.

The proposal also provides for regulated areas, employee exposure measurements, methods of compliance, personal protective equipment and clothing, training, signs and labels, medical surveillance, and recordkeeping.

The issues raised in the proposal include, among others, the following:

1. The selection of the time-weighted average and ceiling limits, and the technological feasibility of compliance with the permissible exposure limit of 1.0 ug/m^3.

2. OSHA's regulatory decision, based largely on animal data, to treat beryllium as a substance that poses a carcinogenic risk to man.

3. Whether human evidence suggests that beryllium exposure causes cancer in man.

4. The provisions for, among other things, regulated areas, employee exposure measurements, compliance procedures, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping.

5. The appropriateness of the recordkeeping and similar requirements as applied to small employers and those with transient workforces.

6. The determination as to what employment protection can or should be afforded workers who are removed from their present jobs as a result of the medical surveillance program.

7. The environmental and inflationary impacts of the proposal.

8. The determination of the appropriate sampling method to be used for determining compliance.

I. Background

A. *General.* Beryllium, an extremely light metal, is widely distributed geographically.[1] [2] Because of its many unique properties, such as high strength-to-weight ratio, resistance to corrosion, and extreme hardness coupled with ductility, it has come to be used extensively in industry, especially as an alloy. Beryllium and its compounds are suited for a wide variety of uses, including among others, the manufacture of ceramic parts, household appliances electric circuitry, electrical measuring instruments, thermal coatings, switch-gear and welding apparatus. It also is used in the aerospace and nuclear industries in the manufacture of inertial guidance systems, rocket motor parts and fuels, aircraft brake systems, gyroscopes, heat shields, and moderator reflectors.[3] [4]

Exposures to dusts and fumes containing beryllium may occur in both large scale processing plants and in small plants which perform operations such as melting, casting, grinding, drilling and machining.[5] However, exposures are not limited to industrial operations concerned with the production and manufacture of beryllium products.

Poor industrial housekeeping, maintenance, and clean up operations in plants where beryllium products are manufactured or used may expose employees handling beryllium as well as disperse it into other employee work areas. Also maintenance of processing equipment containing beryllium may be a source of employee exposure, especially if operations such as welding, burning, or cutting are involved.

The first major use of beryllium in the United States was in the production of fluorescent and neon lamp tubes. However, after the discovery of an epidemic of beryllium disease among workers in this industry, use of beryllium phosphors for these products was completely discontinued by the early 1950's.[6]

Domestic production of beryl, the principal beryllium-containing ore of commercial importance, was approximately 500 tons in 1950. Domestic production has remained relatively constant as contrasted with domestic consumption which, in 1969, reached 8,500 tons and is expected to reach 20,000 tons by the year 2000. A survey conducted by the United States Public Health Service in 1970 estimated that 30,000 persons in the work force could have potential exposure to dust or fumes containing beryllium.[1]

B. *History of Regulation.* Although the incidence of occupational disease associated with beryllium use has been recognized since the early 1940's, evidence regarding the cause and effect relationships between beryllium and disease developed slowly. One reason for the lack of data on the subject was the unavailability of sensitive analytical methods for measuring trace amounts of beryllium. However, as it was known that the incidence of beryllium related disease was increasing, a meeting was held in Saranac Lake, New York in 1947 to review the entire beryllium problem.[7]

The information gained from this 6th Saranac Symposium, coupled with research and recommendations of Eisenbud and his co-workers,[8] [9] published in 1948 and 1949, provided the basis for the United States Atomic Energy Commission Control Requirements, established in 1949. Based on his own investigations, Eisenbud recommended a maximum permissible peak exposure limit of 25 $\mu g/m^3$ for control of *acute* beryllium disease.[8]

Attempts by Eisenbud to establish a level for control of *chronic* exposure to beryllium for the AEC proved more difficult. Eisenbud [9] commented in 1961 that "There was not then, nor is there today, any substantial body of environmental information that could be correlated with clinical reports of occupational berylliosis, and such data as do exist are puzzling." Lacking empirical data for establishment of a limit for chronic exposure, Eisenbud and Machle arrived at a figure of 2.0 $\mu g/m^3$, based on information on animals and man gained from the Saranac Symposium, and by analogy with industrial air limits for such toxic heavy metals as mercury, cadmium and thallium.[10]

In 1949, on the recommendation of an ad hoc committee, the AEC adopted Eisenbud's limits for exposure to beryllium in the workplace and added requirements for air levels in neighborhoods in the vicinity of plants handling beryllium compounds. In summary, the AEC levels permitted a daily average concentration of 2.0 $\mu g/m^3$ with the provision that no person be exposed to beryllium in excess of 25 $\mu g/m^3$. These exposure limits were adopted by all AEC installations handling beryllium, and were binding on all AEC contractors involved in the handling of beryllium.

In 1959, the American Conference of Governmental Industrial Hygienists also

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Note: Notes and references contained in part VII of the introductory material.

adopted an eight-hour time-weighted average limit of 2.0 $\mu g/m^3$.[38] This level has not been changed since then.[37]

In 1956, The American Industrial Hygiene Association published a Hygienic Guide in which it also recommended the AEC exposure levels.[38] In 1969, however, the World Health Organization, in a joint statement with the International Labor Organization,[39] recommended a permissible level for beryllium and its compounds as 1.0 to 2.0 $\mu g/m^3$.

The present Occupational Safety and Health Administration (OSHA) standard for beryllium, found in 29 CFR 1910.1000, Table Z–2, was adopted from the American National Standards Institute's (ANSI) Z37.29–1970 standard, "Acceptable Concentrations of Beryllium and Beryllium Compounds." The present OSHA standard prescribes an 8-hour time-weighted average of 2.0 ug/m^3 with a ceiling concentration of 5.0 ug/m^3. In addition, the present standard allows a peak concentration above the acceptable ceiling concentration for an 8 hour shift of 25 ug/m^3, for a maximum duration of 30 minutes.

II. Occupational Health Implications of Beryllium

Toxic effects of beryllium and its compounds on humans occur in both acute and chronic forms. Tepper, Hardy and Chamberlin [2] characterized acute beryllium diseases as "those beryllium-induced disease patterns of less than one year's natural duration." The same authors described chronic beryllium disease as a pattern of more than 1 year's duration. In addition, it has been suggested that beryllium may be involved in the production of cancer.

A. *Acute effects.* Acute effects on the skin and eye area include contact dermatitis, beryllium ulcers and various ocular effects. Abscesses and ulcerations occur as a result of crystal implantation of soluble or insoluble beryllium materials in cutaneous areas previously injured as a result of cuts or abrasions. Ocular effects may occur either as a result of a "splash burn" which causes inflammation of the conjunctiva, or in association with contact dermatitis.[5] Beryllium splashes may also result in corneal burns.[3]

Beryllium-induced acute respiratory effects range from a mild inflammation of the nasal mucous membranes and pharynx, to tracheobronchial involvement and severe chemical pneumonitis. Recovery is generally rapid, ranging from 1 to 6 weeks for mild cases. However, recovery from acute pneumonitis may be prolonged and severe cases may become fatal.[1,3]

B. *Chronic Beryllium Disease (Berylliosis).* The clinical nature of chronic beryllium disease differs from the acute in that the former is often separated by a period of years from the time of beryllium exposure. A number of case histories have revealed a delay ranging from 5–10 years between the last beryllium exposure and the appearance of detectable evidence of disease, and in some cases a delay of 20 years or more.[3,4] Further, chronic illness is characterized as being a systemic disease, prolonged in duration and commonly progressive in severity despite cessation of exposure.[3]

Chronic beryllium disease results from inhalation of beryllium particulates. Its most familiar symptom is pneumonitis, with its accompanying cough, chest pain and general weakness.[4] Pulmonary dysfunction and systemic effects, such as heart enlargement, leading to cardiac failure; enlargements of the liver and spleen; cyanosis; and the appearance of kidney stones also characterize the chronic illness.[5]

The Beryllium Case Registry was instituted in 1952 at the Massachusetts General Hospital to provide a central source of information for cases of diagnosed acute and chronic beryllium disease.[7] By 1974, 853 cases of the disease were on record at the Registry.[24]

Annually reported Registry cases decreased considerably following discontinuance of the use of beryllium phosphors by the fluorescent lamp industry.[7, 13] Prior to 1949, exposure levels had been extremely high in all facets of industry. For example, a 1946 survey of a beryllium plant by Laskin, Turner and Stockinger [9] indicated beryllium dust concentrations of 110 to 533 $\mu g/m^3$ during the beryllium furnace coke removal operation. Also, Zielinski [9] reported levels of 11,330 to 43,300 $\mu g/m^3$ in a beryllium alloy plant.

After 1949, however, environmental exposure levels were markedly reduced.[10, 11, 37] Breslin and Harris [10] stated in a 1958 report that beryllium air concentrations in one Ohio extraction plant operated by the AEC were recorded at 2.0 $\mu g/m^3$ or less during most of a seven year period. Surveys by Breslin and Harris [10] and by Mitchell and Hyatt [11] reported concentrations of 0.1 $\mu g/m^3$ or less for sites such as beryllium fabrication and machine shops.

Despite these great reductions in beryllium exposure levels, an average of 10–12 new cases of beryllium disease have consistently been added to the Registry each year since 1962.[7, 24] It has been suggested that new cases continue to emerge for two reasons. First, because of the long latency period between beryllium exposure and the development of chronic beryllium disease, new cases continue to be reported involving workers exposed before the 1949 limits were adopted. However, this does not account for all the new cases added. A recent report on the Registry Hasan and Kazemi [25] of cases of chronic beryllium disease reported since 1966 produced 76 such new case histories. While approximately 40 of these cases involved workers with exposures before 1949, it appears that at least 36 were first exposed to beryllium subsequent to 1949. The Director of the Registry has also indicated that the incidence of confirmed beryllium disease is continuing even though the Registry's file may not include all cases of the disease resulting from beryllium exposure.

Second, because beryllium has come to be used in many diverse types of products and processes, it is suggested that beryllium disease continues to occur among the employee population as a result of exposures exceeding the permissible limits due to inadequate engineering and work practice controls, engineering control failures, improper use of respirators and, in some cases, lack of awareness of the degree of hazard involved in employee exposure.[6, 26]

Hasan and Kazemi [25] (1974) found that of the 36 patients exposed to beryllium after 1949, 29 or 81 percent have a history of handling, grinding or machining beryllium metal and alloys in the aircraft industry, electronics and the manufacture of nuclear reactors. NIOSH, in referring to some of these new cases, stated: "Of interest is that recent cases are occurring not only in smelting and extraction operations, but also in alloy and ceramics operations where contaminant control reportedly has been quite successful."

C. *Carcinogenic Effects.*—(1) *General Considerations:* In the case of beryllium, we are dealing with a substance that poses a range of health risks to the working population. These include the threat of cancer, as well as acute and chronic toxicological effects. In considering the controversial issue of carcinogenicity, OSHA is relying upon leading scientific principles and opinions believed to reflect the research conclusions of international cancer experts. In such an inquiry, we recognize that we are operating on the frontiers of knowledge. We rely however, upon what we believe to be the best available evidence and interpretations and are prepared to modify our views if new evidence or future scientific advances show we are in error.

(a) *The Latency of Carcinogenic Effects.* In man, the latency period for chemical carcinogens may well be as long as 20, 30 or more years. Analogous periods exist for test animals. This means that the disease may undergo a long development before a tumor is actually detected. At that point, it has reached a stage where removal of the worker from the workplace may be of no avail and where treatment may be extremely difficult, if not futile. Prudent policy would therefore seem to indicate that every reasonable measure should be taken to eliminate human exposure to chemical compounds as soon as their carcinogenic nature is identified.

(b) *The Variability in Individual Susceptibility in Relation to the Concept of a Threshold.* Cancer development may be influenced by such factors as the differing susceptibility of various body organs. Further, in animal studies it has been found that individual variability in response to carcinogens is great, depending upon such factors as age, sex hormonal status, diet, and genetic factors. Thus, it may be concluded that certain groups in the working population, such as those already biologically compromised, may be more susceptible than other groups.

(c) *A "Threshold" Limit.* Because of the variability of individual response to carcinogens and other factors, the concept of a "no effect" or "threshold level" may have little real significance on the basis of existing knowledge. While such a level, below which exposure to a carcinogen does not cause cancer, may conceivably exist for any one individual, other individuals in the working population may have cancer induced by doses so low as to be effectively zero. This is not to say that researchers will never find a threshold level for a carcinogenic substance, but it does mean that the threshold concept for carcinogens is at present more a matter of responsible regulatory policy than matter of a precise, scientific determination.

(d) *Identification of Carcinogens.* A carcinogenic agent may be identified either by experiments with laboratory animals exposed to an agent or by properly conducted epidemiological studies. While epidemiological studies are valuable in general, the overwhelming logical and ethical considerations of not using humans as test subjects to determine the carcinogenic potential of a compound has led to reliance upon animal testing in the laboratory. Moreover, often severe reliability problems exist which further reduces the value of such epidemiological studies.

(i) *Acceptability of Animal Testing.* The use of animal test data to aid in the formulation of public policy has long been supported by community and official agencies such as NIOSH, the United States Environmental Protection Agency, the National Cancer Institute, the World Health Organization, and the National Academy of Sciences.

Animal testing is particularly appropriate with respect to cancer because the relatively short life span of test animals allows for testing for the entire latency period for tumor development and because of our relatively well-defined understanding of the pathological development of tumors in mice, rats, and certain other mammalian species. Moreover, this reliance on animal testing is supported by the fact that, at least at this time, all chemical substances or mixtures that have been proved carcinogenic by direct observation in man have also been shown to be carcinogenic in test animals, with the possible exception of arsenic. Thus, laboratory animals provide a reliable and accepted means of evaluating the potential carcinogenicity of chemical agents in man.

(ii) *Animal or Organ-Specificity.* It has been suggested that some carcinogens are animal or organ specific. However, in a recent survey by Dr. Tomatis of 58 chemicals known to produce liver tumors in mice, 40 also induced tumors in a variety of other organs in the same species. Further, Dr. Tomatis found that chemically induced tumors in one species need not appear in the same organ in other species. Thus, a carcinogen which induces liver tumors in mice might, for example, produce mammary cancers in rats and lung tumors in men. However, where the available human epidemiological data indicate induction of cancer in a specific organ, and where the animal data clearly demonstrates the development of cancer in the same organ from the same substance, the extrapolation from the animal tests to man is even more compelling and justifiable.

(e) *Conclusion.* These theoretical concepts have a bearing on the questions of how beryllium exposure should be treated as to man and whether there is or is not a threshold level of carcinogenic effect.

In previous rulemaking proceedings, OSHA has considered these issues and determined that in the absence of evidence to establish a safe level on the basis of present knowledge, employee exposure must be reduced as low as feasible (See the preambles to the carcinogen standards, 29 CFR 1910.1003–1016 (39 FR 3758) and the vinyl chloride standard, 29 CFR 1910.1017 (39 FR 35892)). See also the preamble to the proposed coke oven standard (40 FR 32268).

OSHA believes that in setting prudent public policy as to how to deal with substances that give positive results for cancer in test animals, recognition must be given to the fact that an animal carcinogen, as a matter of science or research, may be different from a positive proven carcinogen to man. Nevertheless, we do not know that they are different, and no data are available that would so prove.

Therefore, OSHA believes that, as to any substance, a valid carcinogenic reaction in test animals must be considered sufficient, without other circumstances unique to that substance, to describe the test compound as a carcinogen to the test species and thus a potential carcinogenic hazard to man.

We welcome all views and comments on these subjects as well as the other issues raised by the proposal.

(2) *Evidence of Beryllium Carcinogenicity*—(a) *Animal Studies.* In the course of OSHA's investigations, it was found that beryllium compounds have been reported to readily produce malignant tumors in laboratory animals. For example, beryllium sulfate and beryl ore were found to produce lung tumors in rats following inhalation. Beryllium oxide and beryllium sulfate produce lung cancer in monkeys following intrabronchial implantation or inhalation. Zinc beryllium silicate, beryllium metal, and beryllium phosphate produce bone tumors in rabbits following intravenous administration. The following is a summary of several relevant studies of beryllium carcinogenesis in animals.

(a) *Pulmonary Cancer in Experimental Animals by Inhalation.* Schepers *et al.* (1957) [32] reported the induction of malignant pulmonary neoplasms in rats exposed to an aerosol of beryllium sulfate at an average dose level of 35 $\mu g/m^3$ for periods of up to six months, and thereafter observed without treatment for periods of up to 18 months.

Reeves *et al.* (1967) [33] exposed 75 male and 75 female rats continuously to the inhalation of beryllium sulfate aerosol at a mean concentration of 34 $\mu g/m^3$ for periods of up to 56 weeks. Sample animals were killed at 4-week intervals during the 56-week exposure period, and also after the end of treatment until the 82nd week of age. From the 40th week onwards, Reeves reported that alveolar adenocarcinomas began to be found and tumors of this type were seen in all of 43 rats killed after the 56th week of exposure. No lung tumors were reported to have developed in 150 unexposed control rats.

Wagner *et al.* (1969) [41] exposed rats, monkeys and hamsters for 6 hours per day, 5 days per week to an atmosphere containing 15 mg/m^3 of bertrandite or beryl ore dust. The atmospheric concentrations in terms of beryllium (Be) were 210 $\mu g/m^3$ and 620 $\mu g/m^3$, respectively. After 17 months, 18 out of the 19 rats exposed to beryl ore at levels of 620 μg Be/m^3 had developed pulmonary tumors of various types. Lung changes, including granulomatous lesions, but no tumors, were seen in rats exposed to bertrandite dust. Monkeys and hamsters did not exhibit pre-neoplastic or neoplastic lesions as a result of exposure to either ore.

Schepers (1964) [34] found a 3-mm diameter neoplasm in a female monkey of the *Macacus mulatta* species that died 82 days after the last of 10 daily exposures (6 hours per day) to an aerosol of beryllium phosphate ($BeHPO_4$) at a concentration of 10,556 μg per cubic meter. The monkey was one of 20 females of the same species exposed variously to beryllium sulfate, beryllium fluoride or beryllium phosphate. Most of the monkeys died or were killed early in the experiment. Chemical pneumonitis was a common cause of death. The author could not rule out the possibility that the tumor was spontaneous in origin.

In 1966, Stokinger et al. reported upon beryllium induced pulmonary cancer in rats as found by Vorwald in various studies. Stokinger stated that:

> Primary pulmonary cancer appeared as early as 8 months after completion of the intratracheal injection and after 9 months of inhalation, 7 hours daily, 5 days a week. The incidence of the cancer was almost 100% in a large number of rats that had survived 18 months of daily exposure to beryllium sulfate aerosol, at a concentration averaging either 42 or 21 $\mu g/m$ of chamber air. Even at the very low concentration of 2.8 $\mu g/m$, which incidentally approaches the maximum allowable concentration of beryllium for human subjects, a substantial number (13 of 21) of rats developed pulmonary cancer. Pulmonary cancer had never been discovered in thousands of rats of many different strains that for purposes of control had lived in clean air.

In 1966, Vorwald et al.[34] gave each of the 20 young Rhesus monkeys a single intrabronchial and/or bronchomural implantation of pure beryllium oxide (5% suspension in physiological saline). They exposed an additional 10 monkeys intermittently, over a prolonged period, to an atmospheric concentration of beryllium sulfate aerosol of 35 $\mu g/m^3$. During the first 8 years of the study, three of the

monkeys exposed to beryllium oxide and two of those exposed to beryllium sulfate developed pulmonary cancers.

(b) *Bone Cancer in Experimental Animals by Intravenous Administration.* Gardner and Heslington (1946) were the first of many investigators to report the induction of osteosarcomas in rabbits following intravenous injection of zinc beryllium silicate or beryllium oxide. All of the 7 rabbits that survived treatment with zinc beryllium silicate for 7 months or more developed malignant osteosarcomas, often with multiple primary sites. The administration of 65 other different minerals in the same way to rabbits produced none of the above effects. The compounds that gave negative results included zinc silicate, zinc oxide, and silicitic acid.

In 1950, Hoagland et al.[40] confirmed the findings of Gardner and Heslington by reporting 6 examples of the induction of osteosarcomas subsequent to intravenous administration of zinc beryllium silicate to 10 rabbits. They also reported the induction of one tumor of the same type following intravenous administration of beryllium oxide to a total of 9 rabbits. No tumors arose in 5 rabbits given a total of 1 g of beryllium phosphate by the ear vein.

Barnes et al. (1950)[41] induced osteosarcomas in rabbits through intravenous injection of non-radioactive zinc beryllium silicate or beryllium silicate. Barnes also reported induction of osteosarcomas in two rabbits given intravenous injections of beryllium metal particles.

Dutra and Largent (1950)[42] studied the effects of intravenously administered "highly purified beryllium oxide" and a "highly purified calcined phosphor comprised of beryllium oxide, zinc oxide, and silica mixed in molar ratio 1:1:1." Four of the 6 rabbits treated with beryllium oxide, and 2 of the 3 treated with beryllium phosphor developed osteosarcomas.

In 1951, Dutra et al.[43] reported the occurence of an osteogenic sarcoma in one rabbit exposed by inhalation to beryllium oxide at a concentration of 6 mg/m.[3]

The production of osteosarcomas in rabbits by the intravenous injection of insoluble beryllium salts has also been recorded, by Janes et al. (1954, 1956),[44,45] Araki et al. (1954),[46] Kelly et al. (1961),[35] Yamaguchi (1963),[47] and Komitowski (1968).[48] Vorwald (1950)[49] reported the induction of osteosarcomas in rabbits by the intravenous injection of beryllium phosphate.

(2) *Human Studies of Beryllium Carcinogenicity.* Epidemiological studies, several of which are summarized below, have been carried out on the possible relationship between exposure to beryllium compounds and the occurrence of cancer in humans.

Stokinger (1966)[12] stated that "to date no human beryllium cancer has been identified, but the difficulties in attributing a lung, or other organ, cancer to beryllium are such that the beryllium source could well be overlooked; chemical carcinogens do not commonly remain at the site of the cancer, so the causative agent can be identified only through work histories."

Stoeckle et al. (1969)[50] reported the longterm follow-up of 60 selected cases of chronic beryllium disease first diagnosed between 1944 and 1966. The nature of the exposure to beryllium varied. At the time of the report, 18 patients had died: 13 from corpulmonale, 1 from respiratory insufficiency, 1 from cardiac arrest, 1 from virus pneumonia, 1 from renal insufficiency and 1 from an unstated cause. It is interesting that cancer had not been observed in this series up to 1969.

Mancuso and El-Attar (1969)[51] studied the incidence of cancer in workers in two separate beryllium companies but could not conclude that cancer at any particular organ could be correlated with the worker's exposure to beryllium.

Mancuso (1970)[52] studied the relation of duration of employment and prior respiratory illness to respiratory cancer among beryllium workers. Among 142 cases of beryllium related bronchitis and pneumonitis identified by De Nardi during 1940–1948, six deaths due to lung cancer subsequently occurred, for an age-adjusted lung cancer mortality rate of 284.3 per 100,000 population. This rate, contrasted with 77.7 for all white males employed in the same beryllium production facility during 1937–1948, led Mancuso to conclude that "prior chemical respiratory illness does influence the subsequent development of lung cancer among beryllium workers."

Hardy *et al.* in 1967[7] reported on the complications of beryllium disease among 535 individuals entered into the Beryllium Case Registry during 1952–1966. Of 14 subjects known to have subsequently developed cancer in this group, three were diagnosed as having cancer of the bone. As the International Agency for Research on Cancer of the World Health Organization has estimated that no more than 0.1 and possibly only .05 cases of bone cancer would have been expected to occur among these 535 individuals, the observation of 3 such cases by Hardy et al. may be significant. Hardy also observed that these cases of bone cancer occurred among a subset of approximately 200 individuals all of whom had received no steroid medication. The statement in this review, however, that "there is no registry evidence as yet that beryllium causes cancer", is noteworthy.

Hasan and Kazemi (1974)[53] reviewed 76 cases of chronic berryllium disease reported to the Beryllium Case Registry since 1966. They suggested that, "Enough time has lapsed since the epidemics of the 1940's, so that malignancy as a complication of exposure to beryllium should have become evident. Of the 76 cases reported, 7 patients died from malignancy. Cancer of the lung developed in four, one of whom had a broncho-alveolar cell carcinoma. All 4 patients were men over 65 years of age, with a prolonged period of high exposure prior to 1949. A patient with a neighborhood case died from a cervical cancer. Two patients with recent exposure died from leukemia." The report states further, that the "Incidence of lung cancer was higher than expected (four cases), although the small series does not allow a definitive conclusion."

The American Conference of Governmental Industrial Hygienists [11,32] in their "Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1975" have included beryllium in the category of "Occupational Substances Suspect of Oncogenic Potential for Workers."[1] Beryllium was included in this list based on "limited epidemiologic evidence" and "demonstration of benign or malignant growths in one or more animal species by appropriate methods."

3. *Conclusions.* As we have pointed out above, beryllium exposure poses a significant problem to the working population insofar as acute and chronic (other than cancer) effects are concerned. However, in light of the general theories and OSHA's policies concerning cancer set forth above, and in light of the overwhelming animal data, OSHA believes that beryllium should be treated as posing a carcinogenic threat to man. In addition, we believe that the epidemiological evidence in man, while not determinative in itself, is consistent with this conclusion.

Additional information which may support or dispute these conclusions regarding carcinogenic potential of beryllium and regarding the protection afforded by the proposed limits, are solicited in order to provide the Secretary of Labor with the best available evidence on which to base a determination for the final rule.

IV. 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 deal 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 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., 2d 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 to act even in circumstances where existing methodology or research is deficient." ["Society of Plastics Industry, Inc. v. Occupational Safety and Health Administration," 509 F. 2d 1301, 1308 (2d Cir. 1975), *cert denied* ____ U.S. ____ 95 S.Ct. 1998, 44 L. Ed.2d 482 (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 that

> 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 that circumstance depend to a greater extent upon policy judgments and less upon purely factual analysis.

["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 Comm. on Labor and Public Welfare, S.Rep. No. 91-1282, 91st Cong., 2d Sess. 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. ["Society of Plastics Industry, Inc. v Occupational Safety and Health Administration," 509 F. 2d at 1309.]

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; moreover where a standard prescribes 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 or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (Section 8(c)).

V. The Proposal

In the development of this proposal, the Occupational Safety and Health Administration (OSHA) has considered recommendations contained in the document "Criteria for a Recommended Standard . . . Occupational Exposure to Beryllium" which was developed for the Secretary of Labor by the National Institute for Occupational Safety and Health (NIOSH), Department of Health, Education, and Welfare. Further, OSHA has reviewed and considered the Atomic Energy Commission Control Requirements for beryllium exposure [1, 4, 12, 16, 18] as well as numerous reference works and journal articles.

The following discussion analyzes the significant issues of the proposed standard for occupational exposure to beryllium and its compounds:

A. *Scope and Application.* The proposed standard would apply to all workplaces in all industries, including construction and maritime as well as "general industry, where beryllium or any of its compounds or alloys, is produced, released, packaged, repackaged, stored, handled, used or transported, and over which OSHA has jurisdiction.

B. *Exposure Limits.* The proposed standard includes requirements addressing the hazards associated with inhalation of beryllium and dermal and eye contact with beryllium.

(1) *Permissible Exposure Limits.* In setting a permissible exposure limit for beryllium, OSHA recognizes that many of the matters considered in this proposal are controversial and that, at best, gaps exist in the available scientific evidence. OSHA believes that in this case we are dealing with a substance that causes chronic disease and perhaps cancer.

As to chronic beryllium disease, we are dealing with a latency period in man which by its very nature makes more difficult the setting of a safe standard insofar as beryllium is concerned. What we do know is that 10-12 new cases of diagnosed chronic beryllium disease are added to the Beryllium Registry each year. Whether these cases result from exposures higher than the present 2 $\mu g/m^3$ standard is unknown. Nor do we know what margin of safety, if any, might exist as to the present standard and its relationship to the working populace.

However, this decision in the proposal as to an appropriate level is not made without sound support. Here we are dealing with a substance that is carcinogenic in test animals at levels comparable to exposure levels suggestive of cancer in man. Based on the best available evidence, we do not know whether "safe" levels or "no effect" levels exist for a carcinogen and, if so, what they may be. Therefore, attempts to control levels are compromises between the best medical and scientific evidence on the one hand and practical considerations of technological and economic feasibility on the other.

It is not possible at this time to state precisely how low beryllium exposures can be maintained in all cases through engineering controls, but it is clear that many employers have successfully achieved control to levels well below the present standard for many years. Based on data from AEC in the period 1950-1961, when concerted efforts were made to reduce concentrations, NIOSH found that the established level of 2 $\mu g/m^3$ could be met, and that, though uniform control was not attained throughout a plant, the survey data showed that at one time or another nearly every job category was within permissible limits.[1] In one Ohio extraction plant exposure levels were recorded at or below 2 $\mu g/m^3$ over a seven year period.[8] Williams, in 1961,[20] presented results of surveys of beryllium exposures in 15 plants of various types which indicate that exposures were effectively controlled to well below the current standard in the preponderance of cases.

In view of the information presently available to OSHA, including the above, it appears reasonable to consider a reduction in the permissible exposure limit to 1 $\mu g/m^3$. We hope that comments submitted concerning this proposal will assist OSHA in its final determination of this issue.

(2) *Dermal and eye exposure limit.* Numerous studies of both human and animal responses to beryllium and its compounds have shown the substance, upon contact, to be capable of producing skin irritation, dermatitis, and ulcerations and inflammation of the conjunctiva, and corneal burns. For this reason the proposed standard would not allow employers to expose employees to skin or eye contact with bulk forms of beryllium (see definition of "bulk forms" in the proposed standard).

C. *Action Level.* The proposed standard does not prescribe an action level, below the TWA, at which certain measures such as monitoring and medical surveillance must generally be initiated and below which no monitoring or medical surveillance need be conducted. The concept of an action level provides, statistically, a means by which the employer may assure himself that his employees will not be exposed to a substance over the permissible exposure level. Where, however, a permissible exposure level is not a "safe" level but rather a level predicated upon feasibility, every justification appears to exist to require certain pro-

tective measures such as monitoring if there is any exposure to the substance. This would be true in the case of a carcinogen, where a "threshold" or "no effect" level may not or does not exist. Accordingly, the proposal requires that monitoring be instituted at any level of exposure.

D. *Measurement of Exposure.* The employer would be required to monitor the exposure of all employees exposed to airborne concentrations or to bulk forms beryllium. In conducting the monitoring of employee exposure the employer should be certain that such monitoring reflects employee exposure conditions over the entire work day.

In establishments having more than one work operation involving the use of beryllium, monitoring must be performed for each operation and each type of employee exposure.

Where measurement indicates levels of exposure to be above the permissible exposure limit, employers are required to monitor monthly. Otherwise, monitoring shall be done quarterly.

When any employee may be exposed by skin contact to bulk forms of beryllium, the employer must provide affected employees with protective clothing impermeable to the beryllium-containing material being handled.

E. *Methods of Measurement.* 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 may choose to perform either personal, breathing zone, or general air samples, provided that the method chosen gives an accurate indication of the employee's exposures. Further, any appropriate combination of long-term or short-term samples would be acceptable. However, the proposal requires that all exposure measurements be calculated on an eight-hour time-weighted average basis, with the exception of the ceiling concentration measurements. The sampling method must collect both respirable and nonrespirable particles for analysis. Samplers which separate the collected material into size fractions are useful in indicating the relative particle size of the beryllium, but are of no value in assessing compliance with permissible limits, as these limits are based on the total airborne concentration.[18]

The proposal requires that the accuracy of the sampling method have a confidence level of 95%. 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 from the method and the true value (bias of the method). For beryllium, the required accuracy for concentration at or above 1.0 $\mu g/m^3$ is plus or minus 25% at a 95% confidence level. This means that out of a long series of measurements, 95% must be within 25% 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 permissible limits 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 time-weighted average limit, they must nonetheless be used to reduce exposures to the lowest practicable level, and be supplemented by the use of work practice controls. Where both engineering controls and work practice controls are insufficient to reduce exposure to the permissible limits, they must nonetheless be used to reduce exposures to the lowest practicable level. Where both engineering controls and work practice controls are insufficient to reduce exposure to the permissible limits, the use of personal protective devices, such as respirators, would be required. In addition, 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 this program must be developed and be furnished upon request for examination and copying to representatives of the Secretary and the Director. These plans must be reviewed and updated periodically to reflect the current status of exposure control.

Engineering controls are the preferred means of compliance because they reduce exposure hazards in the work place 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 contaminant into the work place. 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 3 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 become the preferred means of compliance. Work practice controls include such items as the use of vacuum cleaners or water-spray cleaning methods, instead of compressed air. However, work practice controls are effective only when strong supervisory control is maintained.

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, worn by the employee, and replaced when they have ceased to provide protection. While it is theoretically possible for all of these conditions to be met, it is more often the case that they are not, and as consequence, the protection of employees by respirators is not always effective.

G. *Regulated Area.* The proposal requires that regulated areas be established, that access be limited to authorized persons, and that a roster of persons authorized to enter be made weekly and maintained for at least 40 years or for the duration of the employment plus 20 years, whichever is longer. One purpose of establishing regulated areas is to limit the exposure to as few employees as possible. The burden on the employer is considered to be minimal since the provisions require the employer merely to identify and control such areas.

H. *Housekeeping and Waste Disposal.* Removal and prevention of accumulations of beryllium dust deposits on all surfaces in the workplace are important aspects in the control of air contaminants. To ensure that beryllium dusts and particles are not reintroduced into the workplace air, the proposal prohibits dry sweeping or the use of compressed air for cleaning of floors and other surfaces where beryllium dust is found.

Vacuuming and water-spray methods for dust removal are both safe and adequate provided the practices outlined in the proposal also calls for periodic cleaning of dust collection systems, i.e. ducts, filters, etc., to reduce dust accumulations which may create a fire hazard.

For disposal of beryllium wastes, scraps, equipment or debris, the proposal would require that such materials be collected and disposed of in sealed bags or other closed containers which will prevent dispersion of the beryllium outside of the bag or container.

I. *Medical Surveillance.* As discussed in Section II of this Notice, the toxic effects of overexposure to beryllium take many forms including perhaps cancer. Further, since the symptoms of chronic beryllium disease are often similar to those of other respiratory diseases, the real cause of the symptoms has often been incorrectly diagnosed as tuberculosis, sarcoidosis, etc. To diagnose a case of cancer or chronic beryllium disease requires supportive evidence of x-ray findings, immunological tests, pulmonary function tests, and the establishment of beryllium exposure by finding beryllium in urine or tissue or by strong epidemiological evidence of exposure. To differentiate beryllium disease from other respiratory ailments, the physician must evaluate the entire clinical picture.[19]

For beryllium workers, evidence of beryllium in the urine or tissues would not automatically indicate that they are suffering from beryllium disease, unless other evidence such as x-rays or pulmonary function tests indicate that such findings are probably an indication of the disease. For this reason, employees who work with beryllium should undergo medical screening so that indications of overexposure are detected as early as possible. OSHA has proposed medical surveillance requirements for employers having employees exposed to airborne

concentrations of beryllium above the TWA or ceiling limit. The purpose of the requirements is to ensure, to the extent possible, that early symptoms of cancer or beryllium disease are properly diagnosed and appropriate measures taken.

The proposed standard requires that a comprehensive medical and work history be taken at the time of initial assignment or upon institution of medical surveillance for any employee assigned to a regulated area. A medical examination including at least a 14 X 17 posterior-anterior chest x-ray; pulmonary function tests, including forced vital capacity; a baseline weight determination and a skin examination, must also be made available to employees.

In a June 5, 1974, letter to OSHA, Dr. Homayoun Kazemi,[21] Chief, Pulmonary Unit, Massachusetts General Hospital, recommended that tests of arterial blood gas or carbon monoxide diffusing capacity of the lung be made at least every three to five years for individuals working with beryllium. Dr. Kazemi stated that early interstitial lung disease may not appear as an abnormality on the chest x-ray or by measurements of forced vital capacity until the disease is in an advanced stage. Other experts agree that measurements of arterial blood gas or carbon monoxide diffusing capacity are more sensitive detectors of lung disease, but feel that it is technically infeasible for employers to have this test administered on a large scale. For this reason, OSHA has not included this test as part of the proposed medical surveillance requirements. However, the test is suggested in the Appendix C medical guidelines when tests of forced vital capacity are abnormal or the physician feels such an examination would be necessary.

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 they can give at least equal assurance of detecting the medical conditions pertinent to protecting employees from the health hazards associated with beryllium exposure. The employer may accept such alternative medical examinations if the employer obtains a statement from the physician setting forth the alternative medical examinations and the rationale for their substitution.

The employer must provide the examining physician with a copy of the standard for beryllium, including 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 by exposure to beryllium. The physician's opinion must state any recommended limitations upon the employee's exposure or upon the employee's use of protective equipment and respirators. Also, the opinion must 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 beryllium. The employer must provide a copy of the physician's written opinion to each employee.

If, based on the physician's opinion, the employer determines that exposure of an employee to beryllium would materially impair the employee's health, it is the responsibility of the employer to remove the employee from exposure.

The employer must inform each employee who refuses required medical examinations of the possible health consequences of such refusal and the employee must sign a statement indicating an understanding of the risk involved in the refusal to be examined. The intent of this requirement is to encourage employees to take medical examinations. It is felt that a clear understanding of the necessity of medical examinations to minimize potential health consequences will encourage employees to accept the medical surveillance program.

J. *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 work place. 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 would be required to inform each employee assigned to regulated areas of the nature of beryllium-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 beryllium.

K. *Recordkeeping.* The proposed standard would require the employer to keep written records of the following: measurements of employee exposure; tests of mechanical ventilation system efficiency (where such systems are used for engineering control); annual training and information sessions; authorized personnel rosters; medical examinations and pre-placement histories.

Since symptoms of chronic beryllium disease often do not appear for many years after the last exposure to beryllium, records of exposure measurements and medical examinations should be retained for a period of years, even after the employee ceases to work in the beryllium industry. For this reason, the recordkeeping provisions of the proposal require the employer to retain these records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for exposure measurement and 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 Sub-Committee 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 requested 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 primary responsibility is to assure employees 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 minimize the administrative and economic burden on affected employers—especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces.

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 the evaluation of the data obtained in any individual test is needed to compare the most recent test with previous tests to detect any trends that may be occurring.

L. *Observation of Monitoring.* Section 8(c)(3) of the Act requires that em-

ployers 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 contains provisions for such observation. To ensure that the right to observe 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.

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.

M. *Appendixes.* Three appendixes have been included in this proposal: Appendix A, "Substance Safety Data Sheet;" Appendix B, "Substance Technical Guidelines;" and Appendix C, "Medical Surveillance Guidelines." It should be noted that the appendixes have been included for informational purposes only. None of the statements contained therein should be construed as imposing a mandatory requirement which is not otherwise imposed or as negating any requirement which is imposed by the standard.

The information contained in Appendixes A and B is intended to aid the employer in complying with requirements of the standard. This information is also 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 beryllium exposure and provides information needed by the physician to make an accurate results. Apof 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 beryllium.

VI. 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 on 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 beryllium 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 beryllium adequately assesses the impact of the proposal on the workplace environment. It further appears that the proposed standard for occupational exposure to beryllium will have no significant effects on the quality of the human environment external to the workplace. The proposal does not increase the amount of beryllium permitted to be released into the ambient air, nor does the proposal call for changes of industry practice in disposal of beryllium wastes. For these reasons, OSHA does not anticipate any increased impact on the community contiguous to establishments in which beryllium is used or produced.

Interested persons may submit comments that may be helpful in preparing the draft environmental impact statement on the proposed standard. A person having revelant 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 17, 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.

VII. Notes and References

The studies discussed herein represent the primary sources upon which the proposed beryllium 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, N.W., Washington, D.C. 20210.

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VIII. Public Participation

Interested persons are invited to comment on the proposed standard on or before December 16, 1975. Written data, views and arguments must be submitted in quadruplicate to the Docket Officer, OSHA Technical Data Center, Docket No. H005, Room N3620, 200 Constitution Avenue, N.W., U.S. Department of Labor, Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposed standard addressed and the position taken with respect to each such provision. The data, views and arguments will be available for public inspection and copying at the above address and will be made a part of the record.

In addition to the comments and objections invited above, OSHA hereby solicits comments from interested persons regarding the potential inflationary impact of the proposed standard. Comments 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 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 inflationary impact statement and analysis, if appropriate, or a certification that the proposal has no substantial inflationary impact, at least 30 days prior to any public hearings on the proposed standard. The potential inflationary impact of the proposed standard will be an appropriate issue at the 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 (January 28, 1975), issued pursuant to Executive Order 11821 (39 FR 41501, November 27, 1974).

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 16, 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.

The proposed standard will be reviewed after consideration of the entire record of this proceeding, including any oral and written data, views or arguments will be modified appropriately if the submissions so warrant.

Accordingly, pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 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 10th day of October, 1975.

John T. Dunlop,
Secretary of Labor.

1. Table Z–2 in § 1910.1000 is proposed to be amended by deleting the following:

§ 1910.1000 [Amended]

* * * * *

Beryllium and beryllium compounds . . .	2μg/m³ . . .	5μg/m³ . . .	25μg/m³ . . . 30 minutes (Z37.29–1970)

* * * * *

2. A new § 1910.1026 is proposed to be added to Part 1910 of Title 29 of the Code of Federal Regulations, reading as follows:

§ 1910.1026 Beryllium.

(a) *Scope and application.* This section applies to the transportation, production, release, packaging, repackaging, storage, handling, or use of beryllium ex-

cept 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 or health hazards.

(b) *Definitions.* "Authorized persons" means any person authorized by the employer to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring and measuring procedures under paragraph (d) of this section.

"Beryllium" means elemental beryllium and compounds and alloys of beryllium (as elemental beryllium) that may be released into the place of employment as particulate matter or that may be present in the place of employment in bulk forms.

"Bulk forms" means beryllium which is not airborne but which poses a dermal hazard to employees upon contact with, of penetration of the skin. Such forms include soluble beryllium compounds or solid forms (i.e. crystals, chips, shavings, etc.) of soluble or insoluble beryllium which could penetrate the skin.

"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 beryllium in excess of the ceiling limit.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

(c) *Exposure limits*—(1) *Permissible exposure limits*—(i) *Time-weighted average limit (TWA).* No employee may be exposed to an 8-hour time-weighted average airborne concentration of beryllium in excess of 1.0 per cubic meter of air (1.0 ug/m^3), based on a 40-hour work week.

(ii) *Ceiling limit.* No employee may be exposed to an airborne concentration of beryllium in excess of 5 micrograms per cubic meter of air (5 μg/m^3) as averaged over a maximum sampling time of 15 minutes.

(2) *Dermal and eye exposure limit.* No employee may be exposed by skin or eye contact to bulk forms of beryllium.

(d) *Exposure monitoring and measurement*—(1) *Initial monitoring.* Each employer who has a place of employment in which beryllium, is present shall monitor each such workplace and work operation to accurately measure if any employee may be exposed to beryllium above the permissible exposure limits, and determine if any employee is exposed by skin contact with bulk forms of beryllium. Such a determination shall be made by monitoring which is representative of each employee's exposure to beryllium over an 8-hour period.

(2) *Measurements below the permissible limit.* If the measurements under paragraph (d)(1) of this section reveal employee exposure, to be below the permissible exposure limits the employer shall repeat the measurements for each employee at least quarterly.

(3) *Measurements above the Permissible Limits.* (i) Where the measurements reveal employee exposures to be in excess of the permissible exposure limits, the measurements required under paragraph (d)(1) of this section shall be repeated for each employee at least monthly. The employer shall continue measurements under this paragraph (d)(3) until at least two consecutive measurements are below the permissible exposure limits and thereafter the employer shall comply with paragraph (d)(2) of this section.

(ii) If exposure measurements reveal employee exposure to be above the TWA or the ceiling limit, the employer shall, in addition to the requirement in paragraph (d)(3)(i):

(a) Inform the employee of the exposure as required by paragraph (d)(5) of this section;

(b) Institute control measures as required by paragraph (f) of this section; and

(c) Provide personal protective equipment and clothing as required by paragraphs (g) and (i) of this section.

(4) *Additional monitoring.* Whenever there has been a production process control change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change in exposure conditions, additional measurements in accordance with this paragraph shall be made.

(5) *Employee notification.* The employer shall individually notify in writing, within 5 working days after the receipt of measurement results, every employee who is found to be exposed to beryllium above the TWA or the 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 or below the permissible limits.

(6) *Accuracy of measurement.* The method of measurement shall have an accuracy (with a confidence limit of 95%) of not less than plus or minus 25% for concentrations of beryllium greater than or equal to 1.0 ug/m^3. Sampling of airborne concentrations of beryllium to determine employee exposure, shall be performed by methods which collect all airborne particles (i.e. respirable and nonrespirable).

(7) *Employee exposure.* For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(e) *Regulated Areas.* (1) A regulated area shall be established where concentrations are in excess of the permissible exposure limits,

(2) Access to regulated areas shall be limited to authorized persons.

(3) A weekly roster shall be made of all persons who enter a regulated area.

(f) *Methods of compliance.*—(1) *Engineering controls.* (i) Engineering controls shall be instituted immediately to reduce exposures to or below the permissible exposure limits, except to the extent that such controls are not feasible.

(ii) A program shall be established as soon as practicable, and implemented to reduce exposures to or below the permissible exposure limits or to the greatest extent feasible, solely by means of engineering controls.

(iii) 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 6 months to reflect the current status of the program.

(iv) When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control the exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least every three months. Measurements of the system's effectiveness to control exposure shall also be made within 5 days of any change in production, process, or control which might result in any change in airborne concentrations of beryllium.

(2) *Work practice controls.* Wherever feasible engineering controls which can be instituted immediately are not sufficient to reduce exposures to or below the permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by work practice controls.

(3) *Respirators.* Where feasible engineering controls and supplemental work practice controls are insufficient to reduce exposures to or below permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level and shall be supplemented by the use of respirators in accordance with paragraph (g) of this section as required.

(g) *Respiratory protection*—(1) *Permitted use.* Where respirators are required under this section, compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(i) During the time period necessary to install engineering controls; or

(ii) In work situations such as maintenance and repair activities in which engineering controls are not feasible; or

(iii) In work situations in which engineering controls and supplemental work practice controls are insufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section the employer shall select and provide the appropriate respirator from Table 1 and shall ensure the employee uses the respirator provided.

TABLE 1

RESPIRATORY PROTECTION FOR BERYLLIUM

Concentration of Beryllium (ug/m)[2]	*Required Respirator*
Equal to or less than 10.	(a) Air-purifying respirator equipped with high-efficiency filters[1] and quarter-mask or half-mask facepiece; or (b) Supplied air respirator equipped with half mask facepiece.
Equal to or less than 50.	(a) Air-purifying respirator equipped with high-efficiency filters[1] and full facepiece; or (b) Supplied-air respirator equipped with full facepiece; or (c) Self-contained breathing apparatus equipped with full facepiece.
Equal to or less than 1,000.	(a) Supplied-air respirator equipped with half-mask facepiece and operated in continuous flow mode; or (b) Powered air purifying respirator equipped with high efficiency filters[1] and equipped with half-mask or full facepiece or hood.
Equal to or less than 2,000.	(a) Supplied-air respirator equipped with full facepiece, helmet, or hood and operated in continuous flow or pressure-demand mode.
Greater than 2,000 or unknown.	(a) Self-contained breathing apparatus equipped with full facepiece and operated in pressure-demand mode.

[1] NOTE: High efficiency filter—99.97 percent efficient against 0.3 micron size particles.

(ii) Respirators shall be selected from those approved by the Mining Enforcement and Safety Administration (formerly called the Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(iii) Respirators prescribed for higher concentrations may be used for any lower concentration.

(3) *Respirator program.* (i) The employer shall institute a respiratory program in accordance with § 1910.134 (b), (d), (e), and (f).

(ii) 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.

(h) *Emergency situations*—(1) *Written plan.* (i) A written plan for emergency situations shall be developed for each facility involved in a beryllium operation in which there is a possibility of an emergency. 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 (g) and (i) 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(s) shall not be resumed until the emergency is abated.

(2) *Alerting employees.* Where there is the possibility of employee exposure to beryllium in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(i) *Skin protection and work clothing.*—(1) *Work clothing.* Where employees are exposed to airborne concentrations of beryllium in excess of the permissible exposure limits, or are subject to skin contact with bulk forms of beryllium the employer shall provide and ensure that employees wear work clothing and other appropriate protective equipment in accordance with this paragraph.

(i) The employer shall provide each employee with coveralls or similar full-body work clothing, headcoverings, and work shoes or shoe coverings. Resin-impregnated paper or similar disposable work clothing may be substituted for fabric-type clothing.

(ii) New or laundered work clothing shall be provided at least daily to each affected employee.

(2) *Skin and eye protection.* (i) Wherever employees are subject to skin contact with bulk forms of beryllium, the employer shall provide and ensure that employees wear protective gloves impermeable to the material handled.

(ii) Additional protection such as face shields, goggles, and gauntlets, which provide protection for eyes, face, neck, arms and other exposed skin areas, shall be provided if the operation could result in such areas having contact with bulk forms of beryllium.

(iii) Protective clothing and equipment required by this paragraph shall be supplied to each employee daily, and shall be maintained in accordance with paragraph (j) of this section.

(j) *Equipment and clothing laundering and maintenance.*—(1) *Laundering.* (i) The employer shall launder, maintain, or dispose of skin protective devices and work clothing required by paragraph (i) of this section.

(ii) The employer shall inform any person who launders or cleans beryllium contaminated protective devices or work clothing of the potentially harmful effects of exposure to beryllium.

(2) *Removal and storage.* (i) the employer shall ensure that employees remove contaminated work clothing only in change rooms as required by paragraph (m)(1) of this section.

(ii) The employer shall ensure that no employee removes contaminated protective devices and work clothing from the change room except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) Beryllium-contaminated protective devices and work clothing shall be placed and stored in closed containers which prevent dispersion of the beryllium outside the container.

(iv) Containers of contaminated protective devices or work clothing which are to be removed from change rooms or from the work place for laundering or disposal, or for any other reason, shall bear labels in accordance with paragraph (p)(2) of this section.

(v) Dust removal by blowing or shaking of work clothing is prohibited.

(k) *Housekeeping*—(1) *Work surfaces.* (i) All external work surfaces shall be maintained free of accumulations of beryllium dust.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where beryllium dust is found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or permanent systems may be used.

(a) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters, so that beryllium is not reintroduced into the work place air; and

(b) Portable vacuum units used to collect beryllium, may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (p)(2) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(2) *Dust collection systems.* Periodic cleaning of dust collection systems, i.e. ducts, filters, etc. shall be performed to reduce beryllium dust buildups.

(l) *Waste disposal.* Beryllium waste, scrap, debris, bags, containers or equipment, consigned for disposal, shall be collected and disposed of in sealed bags or other closed containers which prevent dispersion of beryllium outside the container.

(m) *Hygiene facilities and practices.* Where employees are exposed to airborne concentrations of beryllium in excess of the permissible exposure limits, the facilities described by this paragraph shall be provided by the employer for the use of those employees and employees shall be required to use the facilities provided.

(1) *Change rooms.* The employer shall provide change rooms in accordance with § 1910.141(e).

(2) *Showers.* Showers shall be provided in accordance with § 1910.141(d)(3).

(3) *Locker-shower arrangements.* Clothes locker and shower facilities shall be so arranged that the showers serve to demarcate between potentially contaminated and uncontaminated areas.

(4) *Lavatory-toilet arrangements.* Lavatory and toilet facilities which are located in beryllium contaminated areas shall be so arranged that no access is available to an uncontaminated area.

(n) *Medical surveillance*—(1) *General requirements.* (i) Each employer who has a place of employment in which employees are, have been, or will be exposed to

beryllium above the permissible exposure limit or ceiling limit 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 obtain a signed statement from the employee indicating that the employee understands the risk involved by 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 work history and a medical history which shall include the presence and degree of respiratory symptoms, i.e., breathlessness, cough, sputum production and wheezing; and

(ii) A medical examination which must include as a minimum the following:

(*a*) A 14 x 17 posterior-anterior chest X-ray;

(*b*) Pulmonary function tests to include forced vital capacity (FVC);

(*c*) Baseline weight; and

(*d*) A skin examination.

(3) *Periodic examinations.* (i) Examinations specified in this paragraph shall be performed at least annually for all employees specified in paragraph (n)(1) of this section.

(ii) If an employee has not had the examinations prescribed in paragraph (n)(2) of this section within 3 months of his termination of employment, the employer shall make such examination available to the employee.

(4) *Alternative medical examinations.* If the examining physician determines that alternative medical examinations 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 from the health hazards associated with exposure to beryllium, the employer may accept such alternative medical surveillance examinations as meeting the requirements 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

(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.* Each employee exposed to beryllium due to the occurrence of an emergency shall be provided the medical examinations prescribed in paragraph (n)(2) of this section.

(6) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation for beryllium including Appendixes A, B, and C;

(ii) A description of the affected employee's duties as they relate to his exposure;

(iii) The results of the employee's exposure measurement;

(iv) A description of any personal protective equipment used;

(v) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency); 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 the employee's health from exposure to beryllium, or which would directly or indirectly aggravate any detected medical condition; and

(*b*) Any recommended limitations upon the employee's exposure to beryllium 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 exposure to beryllium.

(iii) A copy of the written opinion shall be provided to the affected 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 beryllium, such employee shall be withdrawn from possible exposure to beryllium.

(o) *Employee information and training.*—(1) *Training program.* (i) The employer shall provide a training program for all employees assigned to workplace areas where any beryllium 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 beryllium, which are contained in Appendixes A and B;

(*b*) The quantity, location, manner of use, release or storage of beryllium and the specific nature of operations which could result in exposure to beryllium at or above the permissible limits as well as any necessary protective steps;

(*c*) The purpose, proper use, and limitations of respiratory devices as specified in § 1910.134 (b), (d), (e), and (f);

(*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 (h) 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 readily available to all employees exposed to beryllium.

(ii) All materials relating to the employee information and training program shall be provided upon request to the Assistant Secretary and the Director.

(p) *Precautionary labels and signs.* (1) *General.* (i) Labels or signs required by this paragraph may be in addition to or in combination with labels required by other statutes, regulations or ordinances.

(ii) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any such required sign, label or instruction.

(2) *Labels.* Precautionary labels shall be applied to all containers, packages or equipment containing beryllium. The label shall provide at least the following information:

(i) The word "WARNING" or "DANGER"

(ii) The word "Beryllium" (may include additional words such as alloy, powder, product, etc.)

(iii) A warning statement against breathing dusts or fumes,

(iv) A warning statement to avoid skin or eye contact where such hazards are present and to wash thoroughly after handling.

(3) *Signs.* Entrances or access ways to regulated areas shall be posted with legible signs bearing the legend:

WARNING (OR DANGER)

AUTHORIZED PERSONNEL ONLY

Respirators and Protective Clothing Required to be Worn in this Area

(q) *Recordkeeping*—(1) *Exposure measurement.* The employer shall keep an accurate record of all measurements taken to monitor employee exposure to beryllium as prescribed in paragraph (d) of this section.

(i) This record shall include:

(*a*) The date of measurements;

(*b*) The operation involving exposure to beryllium 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 40 years, or for the duration of the employee's employment plus 20 years, whichever is longer.

(2) *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)(iv) 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 two years.

(3) *Employee training.* The employer shall keep an accurate record of all employee training required by paragraph (o) 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.

(4) *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 beryllium;

(*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.

(ii) This record shall be maintained for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(5) *Rosters.* Rosters required by paragraph (e)(3) of this section shall be maintained for at least 40 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) Employee exposure measurement records as required by paragraph (q)(1) 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 mail to the Director, and each employee and former employee shall be individually notified in writing of this transfer.

(r) *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 beryllium which is conducted pursuant to this section.

(2) *Observation procedures.* (i) When observation of the monitoring of employee exposure to beryllium requires entry into an area where the use of personal protective devices is required, the observer shall be provided with and required to use such equipment and shall comply with all other applicable safety and health 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 concentration of beryllium performed at the place of exposure; and

(*c*) Record the results obtained.

(s) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

(t) *Startup dates.* (1) *Employee measurement.* Measurements prescribed in paragraph (d) of this section shall be instituted within 3 months of the effective date of the final standard, except that for new production areas or operations such 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 3 months of the promulgation of the final standard.

(u) *Appendixes.* The information contained in the appendixes to § 1910.1026 is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET

Beryllium

I. SUBSTANCE IDENTIFICATION

A. Substance Beryllium

B. Permissible exposure:

1. *Airbone.* 1.0 microgram of beryllium per cubic meter of air (1.0$\mu g/m^3$), time-weighted-average (TWA) for an 8-hour workday, with a ceiling concentration limit of 5$\mu g/m^3$ as averaged over a maximum sampling time of 15 minutes.

2. *Dermal.* Skin contact with bulk forms of beryllium is prohibited.

C. Appearance: Steel-gray-solid (metal)

II. HEALTH HAZARD DATA

A. Ways in which beryllium affects your body: Beryllium can affect your body when you breathe in airborne beryllium particles. Certain forms of beryllium can also cause diseases of the skin and eyes if they contact such areas.

B. Effects of overexposure:

1. *Short-term overexposure:* Breathing airborne concentrations of beryllium materials may cause damage to your respiratory system. Symptoms of overexposure may include spasmodic cough, substernal discomfort and burning, tightness of the chest, difficulty in breathing upon exertion, mild nose bleeds and irritation of nasal and bronchial passages.

Skin contact with certain forms of beryllium may cause skin disease. Symptoms of skin disease include itching and reddened, elevated, or fluid accumulated lesions which appear on the body, especially the face, neck, arms and hands. Ulcers can result from implantation of beryllium substances in skin areas previously injured as a result of abrasions, cuts, etc. Abscess and ulceration frequently result from such exposure.

Eye effects may occur as inflammation of the conjunctiva in "splash burn" or in association with contact dermatitis. Splashes may also cause corneal burns closely resembling those produced by acids and alkalies. Fluid accumulation and reddening around the eye socket are frequently observed.

2. *Long-term (chronic) overexposure:* If you are overexposed to beryllium for long periods of time you may develop serious respiratory disease. This disease may not develop until many years after exposure. Early symptoms and signs may include weakness, easy fatigability, weight loss, cough and chest pain.

III. EMERGENCY AND FIRST AID PROCEDURES

1. *Skin exposure:* If powders or liquids containing beryllium contact skin areas, immediately wash the affected skin areas with soap and water to remove the beryllium.

2. *Eye exposure:* If a beryllium is splashed into the eyes, the eyes should be flushed immediately with water for at least 5 minutes. The individual should then be referred to a physician.

3. *Breathing:* Individuals who accidentally inhale large amounts of beryllium dust or fumes should be removed from contact with beryllium and immediately referred to a physician.

IV. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators:* Respirators can only be required for routine use if your employer is in the process of installing engineering controls and in situations where these controls are insufficient or cannot feasibly reduce exposure levels to permissible limits. You may be required to wear respirators for nonroutine activities or in emergencies if you are likely to be exposed in excess of permissible exposure limits. If respirators are worn, they must have a Mining Enforcement and Safety Administration or National Institute for Occupational Safety and Health (NIOSH) seal of approval. (Older respirators may have a Bureau of Mines approval label). If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective clothing.* Protective clothing must be provided for you and you must wear such clothing to prevent beryllium from being carried outside the workplace on your own clothing and to protect your skin from contact with beryllium.

C. *Eye and face protection:* Your employer is required to provide and you must wear safety goggles if beryllium dust or solutions could be splashed in your eyes, and a face shield if solutions could be splashed on your face.

V. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE

Beryllium should be cleaned up by vacuuming or by wet methods. Where you are subject to airborne beryllium particles in excess of the permissible limits, you must wear clean work clothes every day and shower at the end of each work day. You may not wear your work clothes home. Containers of beryllium substances should be safely handled and stored to prevent breakage and possible dispersion of beryllium into the air. Ask your supervisor where beryllium is used in your work area and for any additional plant safety rules.

VI. REGULATED AREAS

Only employees authorized by your employer should enter a regulated area.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES

Beryllium

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification
1. Synonyms: Glucinium
2. Formula: Be
3. Be containing materials (examples):

Be carbonate, Be fluoride, Be silicate, Be hydroxide, Be sulfate, Be chloride, Be oxide, Be oxyfluoride, Be copper alloys, Be nickel alloys, Beryl (BeO·A1203·6S102), Bertrandite (Be4S1207(OH12), Chrysoberyl (Be A1204). Phenacite (BeSi04).

B. Physical Data (Beryllium Metal)
1. Boiling Point (760 mm Hg): 2970 C
2. Specific gravity @ 25 C: 1.85
3. Melting Point: 1283 C
4. Solubility in water: Insoluble
5. Vapor Pressure @ 1910 C: 7.6 mm Hg
6. Appearance (Metal): Steel-gray-solid

II. FIRE, EXPLOSION, AND REACTIVITY DATA

Locations where very fine dusts or powders of Beryllium may be present are considered Class II Group E for the purpose of conforming to the requirements of 29 CFR 1910.309.

III. SPILL OR LEAK PROCEDURES

A. *Steps to be taken if substance is released or spilled:* Clean-up crews are required to wear protective clothing and appropriate respiratory protection. Vacuum clean-up procedures are recommended although wet methods are acceptable. B. Persons not wearing protective equipment and not involved in clean-up operations should be restricted from areas of spills until clean-up has been completed. C. *Waste Disposal Method:* Beryllium waste and scrap should be recycled or buried.

IV. MONITORING AND MEASUREMENT PROCEDURE

Measurements taken for the purpose of determining exposure under this section are best taken 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 average exposure level if a minimum of five (5) measurements are taken in a random manner over the 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 work shift. The short-term interval samples should also be used to ensure that no exposures above 5$\mu g/m^3$ are occurring. Samples of the work environment may be taken on filters or other media that are capable of trapping all suspended dusts, mists, or fumes that contain beryllium.

V. MISCELLANEOUS PRECAUTIONS

A. Employees exposed above permissible limits must wear clean clothes each day and shower at the end of each day's work. Work clothes may not be worn home.

B. All contaminated clothing including impervious protective clothing should be washed under controlled conditions. The employer must inform the launderer of work clothing contaminated with beryllium, of the hazardous properties of beryllium.

C. Employers are required to advise affected employees of all plant areas and operations where exposure to beryllium could occur.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

Beryllium

I. Route of entry. Inhalation.

II. Toxicology. The health hazard is high. Breathing beryllium can bring about acute and chronic diseases of the respiratory tract. Skin contact with some forms of beryllium may cause dermatitis. Implantation of beryllium metal or contamination of an abrasion, superficial laceration, or dermatitic area with crystals of soluble beryllium salts may result in ulceration. Conjunctivitis and associated periorbital edema may accompany contact dermatitis or may occur separately. Also beryllium is suspected of having carcinogenic potential in humans.

III. Symptoms and signs. Symptoms of skin disease include itching and reddened, elevated, or fluid accumulated lesions. Implantation of beryllium in the skin can cause abscess and ulceration. Eye effects include fluid accumulation and reddening around the eye socket.

Respiratory symptoms include spasmodic cough, substernal discomfort and burning, tightness of the chest, difficulty in breathing upon exertion, weakness, easy fatigability, weight loss, mild nose bleeds and irritation of nasal and bronchial passages.

IV. Surveillance and preventive examinations. A. Preplacement. Routine medical histories and physical examinations are required for each employee exposed to beryllium. In addition to the medical history, a complete physical examination shall be given that shall include as a minimum the following:

a. 14 x 17 posterior-anterior chest X-ray;

b. Pulmonary function tests to include forced vital capacity (FVC):**

c. Weight determination; and

d. Examination of the skin.

B. Periodic Examinations: The above examinations are to be given at least annually, to each employee subject to exposure to beryllium.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657) and 29 CFR Part 1911)

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**If pulmonary function tests show a decrease in forced vital capacity (FVC), a determination of the arterial blood gas or carbon monoxide diffusing capacity of the lung should be made.

federal register

FRIDAY, OCTOBER 17, 1975

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

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COAL MINING POINT SOURCE CATEGORY

Interim Final Rules
and
Notice of Proposed Rulemaking

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 444-2]

PART 434—COAL MINING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 434—coal mining point source category and will be applicable to existing sources for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously the Agency is publishing in proposed form pretreatment standards for existing sources in the coal mining point source category. The Agency expects to publish at a future date proposed effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources.

(a) *Legal authority.* (1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, for the degree of effluent reduction attainable through the application of best practicable control technology currently available pursuant to sections 301 and 304(b) of the Act, for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

The Agency expects to publish at a future date best available technology economically achievable which will set forth the effluent limitations and guidelines attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mine point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. Regulations will be proposed at a later date which will set forth the standards of performance applicable to new sources for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology

currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary are a subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations the coal mine point source category was initially subcategorized by the established Standard Industrial Classification (SIC) groups applicable to the coal mining industry. These SIC groups were then further subdivided by: geographic location of the mine, type of mine (surface or deep), and size of mine (annual tonnage); all based on anticipated variations in raw waste water. After statistical analysis of the data obtained during the study it was determined that based on waste treatment the coal mining point source category should be divided into four discrete subcategories based on the origin of the waste water, i.e., waste water from the mining activities themselves and waste water from the coal preparation activities, or mining services activities. Waste water from the mining activities themselves was further subdivided by the characteristics of the raw mine drainage. Coal preparation, or mining services activities, were subdivided as to the waste water from the preparation plants themselves and the waste water from coal storage, refuse storage, and the ancillary areas associated with the coal preparation plants.

(1) Subpart A—Coal Preparation Plant. The provisions of this subpart are applicable to discharges resulting from the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite, and anthracite.

(2) Subpart B—Coal Storage, Refuse Storage, and the Coal Preparation Plant Ancillary Area. The provisions of this subpart are applicable to discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

(3) Subpart C—Acid or Ferruginous Mine Drainage. The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank, including but not limited to bituminous, lignite, and anthracite.

(4) Subpart D—Alkaline Mine Drainage. The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

(ii) *Waste characteristics.* The raw waste characteristics of coal preparation plant process water are highly dependent upon the particular process or recovery technique utilized in the operation. Process techniques generally require an alkaline media for efficient and economic operation, therefore process water does not dissolve significant quantities of the constituents present in the raw coal. The principal pollutant present in coal preparation plant process water is suspended solids. In preparation plants cleaning coal fines, process water contains less suspended solids than process water at coal preparation plants which do not clean or recover coal fines.

The raw waste characteristics of the discharge from coal storage, refuse storage and coal preparation plant ancillary areas are characterized as being generally similar to the raw mine drainage at the mine served by the preparation plant. Geologic and geographic setting of the mine and the nature of the coal mined affect the characteristics of the discharge from coal storage, refuse storage, and the coal preparation plant ancillary areas.

The raw waste characteristics of the waste water discharged from the actual coal mining activities themselves vary significantly. The chemical characteristics of raw mine drainage are determined by local and regional geology of the coal, associated overburden, and mine bottom. Raw mine drainage ranges from grossly polluted to drinking water quality. Major differences were observed between the two classes of raw mine drainage (1. acid or ferruginous, and 2. alkaline) which are generally representative of geographic areas. These differences are unrelated or only indirectly related to mine size (annual tonnage) and mine type (deep or surface). Each class of mine drainage is directly related to the treatment technology required.

Acid or ferruginous mine drainage can be characterized as raw mine drainage requiring neutralization and sedimentation which is acid with high iron concentrations and varying concentration of other metal ions including aluminum, manganese, nickel, and zinc, plus varying concentrations of total suspended solids. Alkaline mine drainage can be characterized as raw mine drainage of generally acceptable quality, not requiring neutralization, but possibly requiring sedimentation to reduce concentration of suspended solids.

Effluent limitations guidelines and standards of performance are established to control pollutant parameters based primarily on the following criteria: (1) pollutants which are frequently present in coal mine point source discharges in concentrations deleterious to aquatic organisms; (2) technology exists for the reduction or removal of the pollutant in question; and (3) research data indicates that certain concentrations of pollutants are capable of disrupting an aquatic ecosystem. The following were identified as the pollutants in coal mine drainage, coal storage, refuse storage, and preparation plant ancillary area waste water discharges: acidity, iron, manganese, aluminum, nickel, zinc, and suspended solids. The following were identified as the pollutants in preparation plant waste water discharges: acidity, iron, and suspended solids.

Several other waste water constituents were considered including: total dissolved solids, sulfates, fluorides, strontium, and ammonia. Effluent limitations have not been proposed for ammonia, sulfates, fluoride, and strontium because the level observed in coal mine waste water discharges generally do not warrant concern. Total dissolved solids concentrations in coal mine discharges approach levels capable of disrupting an aquatic ecosystem, but economically feasible technology for achieving substantial reductions in dissolved solids levels does not exist at this time.

(iii) *Origin of waste water pollutants.* Coal preparation plants fall into three general stages, based on degree of cleaning and unit operations. Stage 1 consists of crushing and sizing which are basically dry processes and do not produce a waste water discharge. Stage 2 consists of primary crushing, sizing, gravity separation of coarse coal, dewatering of clean coal and refuse, and removal of coal and refuse fines from process waters. Stage 3 consists of crushing, sizing, gravity separation of all sizes of coal, secondary separation of coal fines or froth flotation, dewatering of clean coal and refuse, heavy media recovery when required, thermal drying of clean coal, and removal of coal and refuse fines from process water. Stages 2 and 3 coal preparation plants use water in the beneficiation processes. Fine coal and mineral particles are suspended in the coal preparation plant process waters, and some minerals associated with the coal and its impurities are dissolved in the coal preparation plant's process water. Additional waste water of a non-contact nature may result from boiler blowdowns and non-contact cooling waters such as bearing cooling water.

The waste water situation evident in the mining segment of the coal industry is unlike that encountered in most other industries. Water enters mines via precipitation, ground water infiltration, and runoff where it may become polluted by contact with materials in the coal, overburden material, or mine bottom. Except for dust control and fire protection, water is not used in the actual mining of coal in the U.S. at the present time. Waste water handling and management

is required, and is a part of most coal mining methods or systems to insure the continuance of the mining operation and to improve the efficiency of the mining operation. This waste water is discharged from the mine as mine drainage. Mine drainage may be polluted and require treatment before it can be discharged to navigable waters. In addition to handling and treating often massive volumes of waste water during actual mining operations or coal loading, coal mine operators are faced with the same burden during idle periods. Mine drainage may continue indefinitely after all mining operations have ceased if proper mining methods, control technology and reclamation is not employed, or even increase in intensity after mine closure if proper mine drainage control technology is not employed. Control of mine drainage after mine abandonment is not included in the interim final regulation although techniques are described in the Development Document, referenced below, which can control or ameliorate mine drainage after mine closure and all activities associated with the mine have ceased.

Water enters coal storage, refuse storage, and coal preparation plant ancillary areas via precipitation, wash down, and runoff where it comes into contact with coal or coal refuse. The waste water discharges from coal storage, refuse storage, and coal preparation plant ancillary areas contain pollutants similar to the pollutants discharged by the mine served by the preparation plant. As with the coal mining segment of the industry, waste water handling from coal storage, refuse storage, and coal preparation plant ancillary areas continue during idle periods; and may continue indefinitely from refuse storage after preparation plant closure if proper control technology is not employed, although these control technologies are not required as part of these interim final regulations.

These waste waters from the mining segment and the coal storage, refuse storage and coal preparation anciliary areas of the coal mining industry are unrelated, or only indirectly related, to production quantities. Therefore, raw waste loadings are expressed in terms of concentration rather than units of production.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

Waste water control technology includes techniques employed before, during and after the actual mining operation to reduce or eliminate adverse environmental effects resulting from waste water discharges from coal mine point sources. Control technology as discussed in the Development Document, referenced below, has been categorized as to control technology related to surface mining, underground mining, and coal preparation. Surface mine pollution control technology is divided into two major categories—mining technology (specific mining techniques) and final waste water pollution control technology (reclamation of land areas disturbed by mining). Underground mine pollution control technology is divided into methods of reducing water influx into mine workings, and preplanned flooding on mine closure. Coal preparation pollution control technology is divided into surface water control and final waste water pollution control technology at preparation plant refuse disposal areas (reclamation).

Waste water treatment technology is categorized in the Development Document, referenced below, as to treatment technology for coal preparation plant process waste water and treatment technology for the two classes of mine drainage. Coal preparation plant process waste water treatment consists primarily of clarification techniques for suspended solids removal including thickeners, flocculation, settling basins, vacuum filtration, and pressure filtration. Of the more than 180 coal preparation facilities utilizing wet cleaning processes investigated during the study (either through site visits or industry supplied data), over 100 located in various terrain and geographic locations had closed water circuits. Treatment technology for acid or ferruginous mine drainage includes flow equalization, acidity neutralization and precipitation of insoluble metal hydroxides, ferrous iron oxidation, and suspended solids removal. Surface holding ponds or underground sumps are employed to equalize the flow of mine drainage before treatment. Mineral acidity in the raw mine drainage is neutralized with an alkali, usually hydrated lime, which removes iron, manganese, and other soluble metals through the formation of their insoluble hydroxides. When iron is present in raw mine drainage in the ferrous form, usual practice is to provide aeration facilities for oxidation to the ferric state. Suspended solids are formed as a result of the chemical treatment. Both earthen settling basins and mechanical clarifiers are used for removal of these suspended solids. Treatment technology for alkaline mine drainage consists of solids removal when required.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protecion of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* The estimated capital investment required for coal mining facilities to meet interim final guidelines range between $3,500 and $76,250 depending on size and type of mine. Annual operating costs of effluent treatment facilities are expected to range between $3,425 and $75,500. All coal mine point sources included in the study to support the Development Document, referenced below, as a minimum, were in compliance; however, some coal mining facilities may not be in compliance and may have to incur these costs.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy requirements for interim final best practicable control technology currently available are low. The main use of energy is for pumps, mixers, and control instruments. Wherever feasible gravity flow is used at coal preparation plants and mine drainage treatment facilities. Mine dewatering is considered an inherent part of the mining method or system.

(vii) *Economic impact analysis.* These guidelines are not expected to significantly affect prices, production, employment or the balance of trade. In most cases, coal mines and preparation plants should presently be achieving the interim final limitation of pH 6.0 to 9.0 in order to comply with State requirements. However, even if a mining operation had to install treatment as a result of these limitations, the economic impact is expected to be minimal. Annual effluent treatment costs are estimated to be .3% to 1.6% of annual operating costs, depending on the size and type of mine. Investment costs for treatment facilities, if necessary, is not anticipated to exceed 3.2% of original capital investment in the mining operation.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regula-

tions and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are not estimated to exceed these amounts. However, the Agency has reviewed and analyzed the projected effect on the prices and economics of the industry as summarized above.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Coal Mining Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the coal mining point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) U.S. Department of the Interior; (4) U.S. Department of Agriculture; (5) U.S. Department of Health, Education, and Welfare; (6) U.S. Department of Transportation; (7) American Electric Power Company; (8) Save Our Cumberland Mountains Association; (9) Campaign Clean Water; (10) U.S. Water Resources Council; (11) National Coal Association; (12) American Society of Mechanical Engineers; (13) The Conservation Foundation; (14) Businessmen for the Public Interest; (15) Environmental Defense Fund; (16) American Society of Civil Engineers; (17) National Wildlife Federation; (18) American Mining Congress; (19) Bituminous Coal Research; (20) Independent Miners Association; (21) Society of Mining Engineers; and (22) National Independent Coal Association.

The following responded with written comments: U.S. Department of the Interior; U.S. Environmental Protection Agency, Region III; American Electric Power Company; Department of Agriculture, Soil Conservation Service; Illinois Environmental Protection Agency; State of Maryland, Water Resources Administration; State of New Mexico Environmental Improvement Agency; Save Our Cumberland Mountains; State of West Virginia Department of Natural Resources; Campaign Clean Water, Charleston, West Virginia; Effluent Standards and Water Quality Information Advisory Committee; Department of Health, Education and Welfare; State of Delaware, Department of Natural Resources and Environmental Control; United States Water Resources Council; Trust Territory of the Pacific Islands; State of Florida, Department of Pollution Control; U.S. Department of Transportation; North Carolina Department of Natural and Economic Resources; MITRE Corporation; and the National Coal Association.

The primary issues raised in the draft development document and the treatment of these issues herein are as follows:

(1) A commenter stated that provisions should be made in setting standards for effluent quality during the start of operations at a new mine site.

Regulations for the coal mining industry do take into consideration the factors related to mining operations start ups.

(2) Commenters suggested the use of turbidity rather than total suspended solids as a control for surface mines. Turbidity is quickly determinable in the field, giving the mine operator opportunity to take corrective action sooner if permit conditions are being violated.

Turbidity is an indicator of suspended solids and as such can be used to determine quickly the effectiveness of suspended solids removal. The turbidity test is specific to the type of solids in the water sample. Because the type of solids may change, turbidity will not always indicate accurately the level of solids present in the waste water.

(3) One commenter suggested that the subcategories "acid or ferruginous" and "alkaline" should be replaced by "underground" and "surface" because active deep mines sometimes change from alkaline to acid over a few months period, and some mines may be acid at one location and alkaline at another.

Deep mines and surface mines are equally subject to change in raw mine drainage characteristics during the life of the mine and may go from alkaline to acid or ferruginous. There may be mines which are on the border line of the two classes of mine drainage and may change, or fluctuate, during the life of the mine. The two classes of mine drainage are generally related to geographic locations, and are directly related to waste treatment technology.

(4) It was stated that the suggested limitation on dissolved iron is not necessary because available data indicates that when total iron concentration is equal to or below 3.5 mg/l, dissolved iron is always below 0.3 mg/l.

A three month sampling and analysis of waste waters determined that the dissolved iron level does not always remain below the 0.3 mg/l level when total iron is less than or equal to 3.5 mg/l.

(5) A commenter indicated that the effect of un-ionized ammonia on aquatic life can be serious and that the rejection of ammonia as a significant pollutant should be reconsidered.

Ammonia was not detected in sufficient concentrations to warrant concern at this time. The effluent quality information collected during the study of the coal mining industry determined that the concentration of un-ionized ammonia present in industry waste waters was not sufficient to require control.

(6) One commenter suggested that the stringent limits and standards for surface mine discharges in the draft report may not be appropriate because surface mining is a mobile operation in which the active mine area continually changes location.

A mine includes the area "used in and resulting from" the work of extracting coal from its natural deposit. The draft development document supports the position that the limitations applicable to surface mining are achievable and are being achieved today.

(7) Commenters indicated that the "no discharge" limitation for coal preparation plants may not be achievable for all plants because of such factors as existing facilities, terrain, precipitation periods, etc.

Over 100 preparation plants in various geographic locations and terrain of the 180 preparation plants included in this study had, or reported, "no discharge." An allowance for discharge is made based

on the design of a facility to handle all process water plus runoff from 10 year 24 hour storm.

(8) One commenter indicated that the analytical data supporting the suggested limitations was inadequate: grab samples were used, and additional sampling is necessary to determine seasonal variations in effluents from treatment systems.

Winter-spring sampling completed at selected mine sites after distribution of the draft report verified that there are insignificant seasonal variations.

(9) One commenter stated that the suggested limits for daily maximums should be three times the thirty day average rather than two times.

The daily maximum allowable discharges of pollutants were determined by a statistical analysis of the data generated in the study.

(10) One commenter indicated that the effluent limitations development study does not justify the conclusion that there is no significant difference between untreated mine drainage from surface and underground mining operations in similar geologic settings.

Variations within the two classes of raw mine drainage may exist, but study confirms that a mine in a specific geographic location with specific geologic conditions will have an alkaline drainage or acid or ferruginous drainage whether the mining method utilized is deep or surface.

(11) A commenter indicated that if the sampling of strip mines presented in the draft report were not taken during periods of rainfall, further sampling should be done during rainfall to confirm that the suggested technology is adequate to achieve the required control.

Additional sampling and analysis conducted during the 1975 winter-spring period confirmed that the suggested technology was adequate.

(12) One commenter indicated that the pollutant content of supply water be taken into consideration when determining permit limitations.

The net-gross question is covered in another regulation (40 CFR Part 125). In summary the regulation states that if an applicant for an NPDES permit can establish that he is fundamentally different, he may be given an allowable discharge based on net removal limits.

(13) One commenter said that the proposed limits and standards for total iron would require stringent plant design and operation and higher costs than indicated in the draft report.

Costs used in the draft report are actual costs reported by industry which were updated and adjusted to September 1974 costs using *Engineering News Record Construction Index*.

(14) A commenter indicated that the total iron limitations recommended in the contractors draft report are too high, in that a state regulatory agency sets a standard approximately 50% of limits in the report. The commenter also suggested a limit be established for the discharge of sulfates.

The limitations presented in the draft development document were developed under the directions and constraints of the Water Pollution Control Act Amendments of 1972. Technical and economic considerations resulted in the suggested best practicable control technology.

(15) One commenter voiced concern that the Agency's contractor did not consult with public interest groups during the course of the contract study.

The contractor's draft report was distributed to a number of public interest groups for the purpose of soliciting their comments. Their comments are taken into consideration before promulgation. A list of groups that received the document is listed elsewhere in this preamble.

(16) One commenter stated that "certain heavy metals might still be released in harmful quantities despite implementation of these guidelines."

The constraints, technical and economic, established by "the Act" make it infeasible to establish a no discharge limitation for portions of this industry. The presence of heavy metals in the discharges was not considered to be significant enough to justify national limitations. Local water quality requirments may justify application of more restrictive limitations.

(17) One commenter indicated that the presence of total dissolved solids, sodium, and fluorides may cause potential health and livestock problems in certain areas of the country and suggested that limits be proposed.

The contractor's draft development document determined that the amounts of the above pollutants present in industry discharges were not sufficient in enough specific situations to justify the establishment of national standards. State or local pollution control agencies have the authority to establish limits on parameters other than those included in effluent limitations guidelines when local water quality requirements warrant.

(18) A commenter stated that settleable solids should be controlled by the suggested effluent limitations in order to prevent solids from settling on the stream bed.

The contractor's draft development document suggested limits on total suspended solids. This limitation effectively controls the discharge of settleable solids from a point source.

(19) A commenter recommended that a limitation on aluminum should be imposed only in special cases because excess concentrations of aluminum are found only in specific locations.

The objective of "the Act" is the establishment of national standards. In specific locations where aluminum is not present in discharges from coal mines, the limitation on aluminum will not result in the application of unnecessary control technology or increased costs. The monitoring requirements will be determined when individual permit conditions are established.

(20) One commentor stated that reclamation procedures for surface mines and preparation plants addressed in the draft report, while helpful background information, "should be included in reclamation laws presently being enforced or enacted" to avoid duplication of enforcement.

Reclamation and revegetation are commonly recognized as water pollution control techniques of substantial value and are in general use. In this light they are discussed in substantial detail in the Development Document. However the application of reclamation or revegetation is not required by this regulation as the technologys used as the basis for BPT regulation is end-of-pipe treatment only.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category not later than October 6, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the intern final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460. Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain sup-

plementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 17, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

The Agency has completed major technical studies on which to base the establishment of detailed effluent standards for coal mining. However, the Agency has not completed economic impact or inflationary impact analyses relative to this complete control regulation. For this reason only one parameter—pH—is being regulated by this interim final regulation.

Set forth below are limitations based on best practicable control technology for each of the subcategories as are indicated by the technical studies. There is a strong presumption that these limitations if promulgated, would not cause an undue economic hardship on the coal industry. Unless the economic impact studies reveal unexpectedly gross impact, the Agency anticipates proposal of these limitations at an early date.

SUBPART A—COAL PREPARATION PLANT SUBCATEGORY

The effluent limitation based on best practicable control technology, set forth in the Development Document for this subcategory is:

No discharge of process water.

SUBPART B—COAL STORAGE, REFUSE STORAGE, AND COAL PREPARATION PLANT ANCILLARY AREAS SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

SUBPART C—ACID OR FERRUGINOUS MINE DRAINAGE SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

SUBPART D—ALKALINE MINE DRAINAGE SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

In addition to encouraging written comments on the interim final regulation, the Agency would like to encourage written comments on the outlined specific effluent limitations for the subcategories of the coal mine point source category above. Such comments should be submitted following the procedure for comments addressed to the interim final regulation.

It is recognized that coal mining may result in long term water quality degradation caused by mine drainages continuing after mining activities have been concluded. In many cases the pollution is worse than that from an active mine. The Agency is aware of the problem and is considering possible applications of Pub. L. 92-500 to the amelioration of this aspect of coal mining related pollution and may provide additional guidance to control this facet of the pollution problem at a future date.

In consideration of the foregoing, 40 CFR Part 434 is hereby established as set forth below.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 434 is added as set forth below:

Subpart A—Coal Preparation Plant Subcategory

Sec.

434.10 Applicability; description of the coal preparation plant subcategory.
434.11 Specialized definitions.
434.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.13—434.16 [Reserved]

Subpart B—Coal Storage, Refuse Storage, and Coal Preparation Plant Ancillary Area Subcategory

434.20 Applicability; description of the coal storage, refuse storage, and coal preparation plant ancillary area subcategory.
434.21 Specialized definitions.
434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.23—434.26 [Reserved]

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

434.30 Applicability; description of the acid acid or ferruginous mine drainage subcategory.
434.31 Specialized definitions.
434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.33—434.36 [Reserved]

Subpart D—Alkaline Mine Drainage Subcategory

434.40 Applicability; description of the alkaline mine drainage subcategory.
434.41 Specialized definitions.
434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.43—434.46 [Reserved]

AUTHORITY: Secs. 301, 304(b) and (c) and 306(b) and 307(c), Federal Water Pollution Control Act, as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); (86 Stat. et seq.; Pub. L. 92-500) (the Act).

Subpart A—Coal Preparation Plant Subcategory

§ 434.10 Applicability; description of the coal preparation plant subcategory.

The provisions of this subpart are applicable to discharges resulting from the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal preparation plant" shall mean a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded prior to the final handling or sizing in transit to or at a consuming facility.

(c) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

§ 434.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed, constructed, and operated to contain all process generated waste water and the surface runoff to the treatment facility resulting from a 10 year 24 hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.13—434.16 [Reserved]

Subpart B—Coal Storage, Refuse Storage, and Coal Preparation Plant Ancillary Area Subcategory

§ 434.20 Applicability; description of the coal storage, refuse storage, and coal preparation plant ancillary area subcategory.

The provisions of this subpart are applicable to discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

§ 434.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal preparation plant" shall mean a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded prior to the final handling or sizing in transit to or at a consuming facility.

(c) The term "coal preparation plant ancillary area" shall mean the areas associated with a coal preparation plant including: the coal preparation plant yards, access roads, and other areas immediately associated with a coal preparation plant where coal or coal refuse, either purposefully or accidentally is allowed to come in contact with precipitation runoff or plant washdown.

(d) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed, and operated to treat the process waste water and the runoff from the coal preparation plant ancillary area resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.23—434.26 [Reserved]

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.31 **Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the work of extracting coal from its natural deposits by any means or method including secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(c) The term "mine drainage" shall mean any water drained, pumped or siphoned from a coal mine.

(d) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

(e) The term "acid or ferruginous mine drainage" shall mean mine drainage which before any treatment either has a pH of less than 6.0 or a total iron concentration of more than 10 mg/l.

§ 434.32 **Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

(1) Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the mine drainage and the runoff at the treatment facility resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.33–434.36 [Reserved]

Subpart D—Alkaline Mine Drainage Subcategory

§ 434.40 **Applicability; description of the alkaline mine drainage subcategory.**

The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.41 **Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the work of extracting coal from its natural deposits by any means or method and secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(c) The term "mine drainage" shall mean any water drained, pumped or siphoned from a coal mine.

(d) the term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

(e) The term "alkaline mine drainage" shall mean mine drainage which before any treatment has a pH of more than 6.0 and with a total iron concentration of less than 10 mg/l.

§ 434.42 **Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fudamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the mine drainage and the runoff at the treatment facility resulting from a 10 year 24 hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.43–434.46 [Reserved]

[FR Doc.75-27898 Filed 10-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 434]

[FRL 444-3]

COAL MINING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 434—Coal Mining Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement an interim final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources within the coal preparation plant; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and alkaline mine drainage subcategories of the coal mining point source category. The information contained in the preamble to the interim final regulation is incorporated herein by references. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the effluent limitations guidelines (40 CFR 434) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.*" (Emphasis added).

The regulation proposed below is intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

A preliminary Draft Development Document was made available to the public approximately January 1, 1975 and a Development Document to support the interim final regulation is now being published. An economic analysis report is being made available at the time of interim final promulgation. Copies of the Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) the identification of pollutants present in waste waters resulting from the mining and preparation of coal, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of coal.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the coal preparation; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and the alkaline mine drainage subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the process waste waters from the coal preparation plant; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and alkaline mine drainage subcategories may contain pH and suspended solids. Accordingly, it is the opinion of the EPA that because pH is recognized as a compatible pollutant, the first option is appropriate and the guidelines should not apply to process waste waters from plants in the coal preparation; coal storage, refuse storage, and coal preparation ancillary area; acid or ferruginous mine drainage and the alkaline mine drainage subcategories discharging to publicly owned treatment works. However, the operator of the publicly owned treatment works is cautioned that some of the constituents of the waste waters from these subcategories may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject

of subsequent further regulation by the Agency pursuant to Section 307(b) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 434 be amended to add sections 434.14, 434.24, 434.34 and 434.44 as set forth below. All comments received on or before November 17, 1975 will be considered.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

40 CFR 434 is proposed to be amended by adding §§ 434.14, 434.24, 434.34 and 434.44 as follows:

Sec.

434.14 Pretreatment Standards for Existing Sources.
434.24 Pretreatment Standards for Existing Sources.
434.34 Pretreatment Standards for Existing Sources.
434.44 Pretreatment Standards for Existing Sources.

* * * * *

§ 434.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.12 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.22 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.32 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.42 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

[FR Doc.75-27902 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from October 10, 1975 without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Colorado:	
CO75–5101	Aug. 8, 1975.
CO75–5116; CO75–5117; CO 75–5118.	Sept. 19, 1975.
Georgia:	
GA75–51105	Jan. 17, 1975.
New Jersey:	
NY75–3098	Sept. 26, 1975.
Pennsylvania:	
AR–2030	Aug. 30, 1974.
AR–2095	Dec. 13, 1974.
AR–2099	Dec. 27, 1974.
PA75–3025	Mar. 21, 1975.
PA75–3053	May 23, 1975.
PA75–3055	June 27, 1975.
PA75–3065; PA75–3082; PA 75–3083; PA75–3084; PA 75–3085.	July 11, 1975.
PA75–3086	Aug. 22, 1975.
PA75–3087	Aug. 29, 1975.
Virginia:	
VA75–3069	July 11, 1975.
VA75–3094	Sept. 19, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision Numbers are in parentheses following the numbers of the decision being superseded.

Colorado:	
CO75–5115(CO75–5129)	Sept. 19, 1975.
Kentucky:	
AR–4018(KY75–1101)	Aug. 9, 1974.
AR–4054(KY75–1103)	Nov. 8, 1974.
KY75–1064(KY75–1102)	June 20, 1975.
North Dakota:	
ND75–5110(ND75–5130)	Aug. 29, 1975.
Texas:	
TX75–4086 (TX75–4159)	May 16, 1975.
TX75–5118(TX75–4161)	July 11, 1975.
TX75–4135(TX75–4160)	July 25, 1975.
West Virginia:	
WV75–3009(WV75–3105)	Jan. 31, 1975.

Signed at Washington, D.C., this 10th day of October 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION #CO75-5101 - Mod. #2
(40 FR 33595 - August 8, 1975)
El Paso County, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Line Construction:					
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	$9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08

DECISION CO75-5116 - Mod. #1
(40 FR 43435-September 19, 1975)
Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Line Construction:					
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08

DECISION NO. CO75-5117 - Mod. #1
(40 FR 43442 - September 19, 1975)
Las Animas, Otero and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Line Construction:					
All work performed for an association of REA Co-ops or group of REA associations where the nomial voltage is over 115 KV and all other NON-REA work					
Cable Splicer	$9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08

DECISION NO. CO75-5118 - Mod. #1
(40 FR 43449 - September 19, 1975)
Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Line Construction:					
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA Work					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION # GA75-1005 - Mod #4
(40 FR-3091 - January 17, 1975
Richmond County, Georgia

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$7.35				.01
Electricians	7.96	.30	1%+.20		½ of 1%
Millwrights	7.65				.01
Piledrivermen	7.65				.01

DECISION #NJ75-3098 - Mod. #1
(40 FR 44433 - September 26, 1975)
Bergen, Essex, Hudson & Passaic Counties, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers, Stone Masons, Cement Masons & Plasterers:					
Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Ave. and Berry's Creek west of the Hackensack River), Essex (except Millburn Twp.) and Hudson (that portion west of the Hackensack River) Counties	$10.35	$.60	$.70		$.02
Hudson (remainder of county) County:					
Bricklayers & Stone Masons	10.51	.87	.75		
Electricians & Cable Splicers: Bergen & Hudson Counties	11.92	5%	6% + .58		1.5%
Laborers:					
Bergen (Garfield, Passaic & Wallington Twps., Lodi, Lodi Boro. & East Patterson) & Passaic Counties:					
Laborers, Air Tool Operators (jackhammers, Vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	7.10	.50	.70		.02
Bergen (remainder of county) County:					
Laborers, Air Tool Operators (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	6.80	.90	.60		.02
Essex (City of East Orange, Twps. of South Orange & Maplewood) County:					
Regular Laborers	7.45	.70	.30		.02
Mortar Mixers, Scaffold Men & Pneumatic Hammer Operators	7.70	.70	.30		.02

DECISION NO. NJ75-3098 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers - (cont'd)					
Essex (Orange and Montclair) County:					
Common Laborers	$ 7.60	$ .40	$ .30		$ .02
Essex (Millburn Twp.) County:					
Common Laborers	7.00	.70	.60		.02
Essex (remainder of county) & Hudson (Kearny, East Newark & Harrison) Counties:					
Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers & Pipelayers (concrete & clay)	7.20	.50	.60		.02
Hudson (remainder of county) County:					
Common Laborers	6.80	.60	.60	.35	.02
Line Construction:					
Bergen & Hudson Counties:					
Linemen, Cable Splicers, Equipment Operators & Groundmen	11.92	5%	6% + .58		½ of 1%
Plumbers:					
Zone 2	9.85	.66	.65	1.00	.02
Plumbers & Pipefitters:					
Zone 2	10.55	.475	1.16		.04
Sheet Metal Workers:					
Bergen & Hudson	10.17	5%+.16¢	5% + .10	4% + .06	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2030 - Mod. #9 (40 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
DECISION #AR-2095 - Mod. #5 (39 FR 43494 - December 13, 1974) Northumberland County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #AR-2099 - Mod. #8 (39 FR 44931 - December 27, 1974) Adams & York Counties, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02

MODIFICATION P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3025 - Mod. #4 (40 FR 12982 - March 21, 1975) Luzerne County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
DECISION #PA-75-3053 - Mod. #3 (40 FR 22782 - May 23, 1975) Lebanon County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3055 - Mod. #2 (40 FR 2736 - June 27, 1975) Berks County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
Electricians:					
Herford, Longswamp, & Washington Twps. portion of Maxatawney, Twp. east of Sacony Creek	10.30	.35	1%		.01
Piledrivermen	10.17	1.58	1.10	h	.12
Roofers:					
Albany, Maxstany and Windsor Composition and Slate	10.05	.35	.35		
Sprinkler Fitters	10.75	.50	.80		.08

MODIFICATION P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3065 - Mod. #2 (40 FR 29517 - July 11, 1975) Lycoming County, Pennsylvania					
Change:					
Boilermkaers	$11.05	.65	1.00		.07
DECISION #PA-75-3082 - Mod. #1 (40 FR 36972 - August 22, 1975) Bucks County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3083 - Mod. #1 (40 FR 36980 - August 22, 1975) Chester County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
Electricians					
Remainder of County	11.55	4.4%	1%+2.6%		1.5%
Painters:					
Commercial					
Brush	9.05	.65	.50		
Spary	9.40	.65	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3084 - Mod. #2 (40 FR 36983 - August 22, 1975) Delaware County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
Painters:					
Remainder of County					
Commercial, brush	9.05	.65	.50		
Comercial, spray	9.55	.65	.50		
DECISION #PA-75-3085 - Mod. #2 (40 FR 36986 - August 22, 1975) Montgomery County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
Electricians:					
Remainder of County	11.55	4.4%	1%+2.6%		1.5%
DECISION #PA-75-3086 - Mod. #2 (40 FR 36989 - August 22, 1975) Philadelphia County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3087 - Mod. #1 (40 FR 40031 - August 29, 1975) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #VA75-3069 - Mod. #2 (40 FR 29438 - July 11,1975) Radford Army Ammunition Plant, Virginia					
Change:					
Laborers:					
Common Laborers	$ 4.35	$.20	$.20		$.03
Air Tool Operators	4.60	.20	.20		.03
Mason Tenders	4.45	.20	.20		.03
DECISION #VA75-3094 - Mod. #1 (40 FR 43415 - September 19, 1975) Albemarle County, Virginia					
Change:					
Sprinkler Fitters	8.55	.50	.80		.08

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5129

DATE: Date of Publication

Supersedes Decision No. CO75-5115 dated September 19, 1975, in 40 FR 43426

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.25	.50	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	9.25	.50	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.835	.53	.60	.40	.05
Zone II (20 to 50 miles)	9.94	.53	.60	.40	.05
Zone III (50 miles and over)	11.04	.53	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.835	.53	.60	.40	.05
Zone II (20 to 50 miles)	9.94	.53	.60	.40	.05
Zone III (50 miles and over)	11.04	.53	.60	.40	.05
Larimer County (S.E. portion within Loveland basing point, Zone 1)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	1%+.45		.015
Electricians (Remaining Counties)	10.24	.65	1%+.25		2/10%
Cable Splicers (Remaining Counties	10.49	.65	1%+.25		2/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS	9.20	.63	.90		.08
MARBLE MASONS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See* below)	$8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	9.45	.60	.65	.50	.10
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties (See ** below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	9.20	.55	.61		.04
TILE, MARBLE and TERRAZZO HELPERS:					
*Park County dividing line: A line from the S.W. corner of Jefferson County to the S. E. corner of Lake County					
Helpers	6.22	.56	.50	.40	
Floor Grinder	6.37	.56	.50	.40	
Base Grinder	6.92	.56	.50	.40	

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% baisc hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Idnependence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5129

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.15	$ 4.60	$ 5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
AREA B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles,more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

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LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

DECISION NO. CO75-5129

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledrivings; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS	6.74	.44	1.10	.30	.08

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd)					
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 dayes experience	4.04	.35	1%		3/4%
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. C075-5129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5129

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)

(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helpet, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. CO75-5129

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. CO75- 5129

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1101
COUNTY: Fayette
DATE: Date of Publication
Supersedes Decision No.: AR-4018 dated August 9, 1974 in 39 FR 28836
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.71	.35	.40		
Boilermakers	8.55	.60	.80		.02
Bricklayers	8.50	.25	.25		
Carpenters:					
Carpenters	9.00	.30	.30		
Millwrights	9.50	.30	.30		
Piledrivermen	9.50	.30	.30		
Cement masons	9.55				
Electricians	10.20	.40	1%+.50		.025
Elevator constructors	9.20	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.80				
Ironworkers:					
Structural	9.95	.65	.70		.05
Ornamental	9.95	.65	.70		.05
Reinforcing	9.95	.65	.70		.05
Lathers	8.24		.10		
Leadburners	8.25	.30		c	.01
Line Construction:					
Linemen and equipment operators	9.90	.30	1%		¼ of 1%
Groundmen truck driver	7.92	.30	1%		¼ of 1%
Groundmen truck driver with winch or pole steel handling	8.42	.30	1%		¼ of 1%
Marble setters	7.60	.25	.25	.25	
Painters:					
Brush & roller	8.20				
Paperhangers	8.20				
Spray and sandblasting	8.95				
Plasterers	8.55				
Plumbers and steamfitters	10.20	.25	.60		.02
Roofers	6.20	.35			
Sheet metal workers	8.95	.60	.60		.07
Soft floor layers	9.00	.30	.30		
Sprinkler fitters	10.55	.50	.80		.08
Stone masons	8.50	.25	.25		
Terrazzo workers	7.60	.25	.25	.25	
Tile setters	7.60	.25	.25	.25	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: 34-KY-1-Q

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holidays.

KY75-1101

KY-3½-Lab - 1 L (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
GROUP I	5.85	.25	.25		
GROUP II	6.05	.25	.25		
GROUP III	6.20	.25	.25		
GROUP IV	6.25	.25	.25		
GROUP V	6.35	.25	.25		
GROUP VI	6.45	.25	.25		
GROUP VII	7.05	.25	.25		
GROUP VIII	7.35	.25	.25		

GROUP I: Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring, construction laborers

GROUP II: Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker

GROUP III: Mason tenders, Plaster tenders, bug operators

GROUP IV: Gunnite nozzlemen, Powderman helpers, Fork lift, Purpoon

GROUP V: Gunnite nozzle machine, Powderman and blasters, Tunnels and cofferdams

GROUP VI: Miners tunnels or cofferdams

GROUP VII: Caisson holes (6' and over including tools), Sand hogs (pressure air)

GROUP VIII: Sand hogs (free air)

KY75-1101 (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.20	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

Class A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, bootype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, (regardless of lift height), all types of boom cats, core drill, hop tow or push boat, concrete paver, Gradeall, hoist, hyster, pumporete, Koss carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

Class B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock) tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flex-oplane, firemen, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakemen, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

Class C:
Bituminous distributor, cement gun, conveyor, mud jacks joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
3 tons and under	6.87	a	b		
Over 3 tons, semi-trailer, or pole trailers, dump truck, tanden axle, farm tractor when used to pull bldg. materials or equipment	6.98	a	b		
Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)	7.05	a	b		
Greaser tire changer and mechanic s helpers	6.87	a	b		
Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck, when used inside warehouse or storage area	7.15	a	b		

Footnotes:

a. Employer contributes $13.50 per week for employee who has been employed 20 work days within 90 consecutive days.

b. Employer contributes $14 00 per week for employee who has been employed 20 work days within 90 consecutive days.

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1103
COUNTY: See Below*
DATE: Date of Publication
Supersedes Decision No.: AR-4054 dated November 8, 1974 in 39 FR 39697
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adair Barren, Bell Breathitt, Casey Clay Clinton, Cumberland, Estill Floyd, Garrard, Green, Harlan, Hart, Jackson Knott, Knox, Laurel, Lee, Leslie, Letcher. Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley and Wolfe

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	7.45	.25	.25	.30	
Carpenters	7.10	.30	.30	.20	
Cement masons	6.95	.30	.30	.20	
Electricians:					
Wiremen and technician (sound, signal and communication)(inside)	10.70	.40	1%.50		½ of 1%
Linemen (outside)	11.25	.35	1%		½ of 1%
Cable splicers (outside)	11.50	.35	1%		½ of 1%
Groundman:					
1 st 6 mos.	50%a	.35	1%		½ of 1%
2 nd 6 mos.	60%a	.35	1%		½ of 1%
3 rd 6 mos.	65%a	.35	1%		½ of 1%
4 th 6 mos.	70%a	.35	1%		½ of 1%
Over 2 years	75%a	.35	1%		½ of 1%
Ironworkers:					
Structural & Ornamental	9.95	.65	.80		.05
Reinforcing	9.95	.65	.80		.05
Painters:					
Brush and roller	7.00	.25	.30	.20	
Spray	7.00	.25	.30	.20	
Piledriver	6.75	.30	.30	.20	
Plumbers and pipefitters	10.05	.25	.60		.02
Sprinkler fitters	10.55	.50	.80		.08

Footnote:
a. Percentage of Linemen rate.

KY75-1103 - (Cont'd)

LABORERS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	5.20	.30	.30	.20	
GROUP II	5.45	.30	.30	.20	
GROUP III	5.45	.30	.30	.20	
GROUP IV	5.55	.30	.30	.20	
GROUP V	5.60	.30	.30	.20	
GROUP VI	6.50	.30	.30	.20	
GROUP VII	5.70	.30	.30	.20	
GROUP VIII	5.75	.30	.30	.20	
GROUP IX	5.80	.30	.30	.20	
GROUP X	6.15	.30	.30	.20	
GROUP XI	6.70	.30	.30	.20	

GROUP I: Laborers

GROUP II: Hand blade operator & batch truck dumpers

GROUP III: Deckhand or scow men

GROUP IV: Power-driver tools: wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy, pavement breakers

GROUP V: Asphalt lute, raker men, side rail setters

GROUP VI: Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply

GROUP VII: Gunnite nozzleman and gunnite operator

GROUP VIII: Tunnel laborers (free air)

GROUP IX: Tunnel muckers (free air)

GROUP X: Tunnel miners & blasters drillers (free air)

GROUP XI: Caisson workers

KY75-1103 (Cont'd)

Kentucky 1 PBO-2-B

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.05	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumporete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (truck or skid mounted).

KY75-1103- (Cont'd)

HIGHWAY CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	7.80	.30	.30	.20	
GROUP B	6.50	.30	.30	.20	
GROUP C	6.55	.30	.30	.20	
GROUP D	6.55	.30	.30	.20	

GROUP A: Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete pump, concrete mixer (21 cu. ft. or over), crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel, bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple operator, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom throttle - value man, rotary drill, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, tugger, backfiller gurries, subgrader, electric vibrator compactor, welderburner,

GROUP B: All air compressor (200 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, flexplane, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher, fireman.

GROUP C: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth, tamping machine, tractors (under 50 H.P.), vibrator, oiler air compressor (under 200 cu. ft. per min. capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.

GROUP D: Greaser on grease facilities servicing heavy equipment

KYTS-1103- (Cond't)

TRUCK DRIVERS

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	5.73	.30	.30	.20	
GROUP II	5.94	.30	.30	.20	
GROUP III	5.65	.30	.30	.20	
GROUP IV	6.51	.30	.30	.20	
GROUP V	5.70	.30	.30	.20	
GROUP VI	5.80	.30	.30	.20	
GROUP VII	5.55	.30	.30	.20	
GROUP VIII	6.55	.30	.30	.20	
GROUP IX	5.45	.30	.30	.20	
GROUP X	5.75	.30	.30	.20	

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Drivers, over 3 tons

GROUP III: Drivers, distributors; dump truck tandem axle, semi-trailer or pole trailers

GROUP IV: Drivers, euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Driver on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Truck helper and warehousemen

GROUP X: Truck mechanic

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1102
COUNTY: See below*
DATE: Date of Publication
Supersedeas Decision No: KY75-1064 dated June 20, 1975 in 40 FR 26198
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

*Counties: Hardin, Jefferson, & Meade

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.71	.35	.40		
Boilermakers - Blacksmith	8.55	.60	.80		.02
Bricklayers:					
Bricklayers and concrete block layers	9.43	.40	.40		
Caulkers	9.43	.40	.40		
Cleaners	9.43	.40	.40		
Pointers	9.43	.40	.40		
Stone masons	9.43	.40	.40		
Carpenters:					
Carpenters	9.25	.30	.30		
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold skip hoist, tower or slip form	9.50	.30	.30		
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	9.75	.30	.30		
Carpenters when working on suspended or swinging scaffold	9.50	.30	.30		
Cement masons	9.28	.40			
Electricians, linemen and hole digger:					
Zone 1 (within 36 miles radius of 3rd & Broadway Louisville)	10.98	.29	1%+ 40		½ of 1%
Zone 2 (over 36 mile radius)	11.38	.29	1%+ 40		½ of 1%
Elevator constructors	9.20	.445	.29	3%+a&b	.02
Elevator constructors' helpers	6.44	.445	.29	3%+a&b	.02
Elevator constructors' helpers (prob.)	4.60				
Glaziers	8.50	.35	.35		
Ironworkers:					
Conveyormen, machinery movers	9.95	.65	.70		.05
Structural, ornamental and reinforcing	9.95	.65	.70		.05
Riggers, fence erectors, sheeters	9.95	.65	.70		.05
Lathers	9.49		.20		.01
Leadburners	8.25	.30		c	.01
Marble, tile and terrazzo workers	8.80	.25	.40		
Millwrights	10.20	.30	.30		.02

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky					
New Construction:					
Basic	7.82	.25	.20		.03
Special	8.17	.25	.20		.03
Spray	8.39	.25	.20		.03
Old Construction:					
Basic	7.48	.25	.20		.03
Special	7.83	.25	.20		.03
Spray	7.93	.25	.20		.03
Zone 2 - Over 35 mile radius from Jefferson Co., Courthouse, Louisville, Ky.					
New Construction:					
Basic	8.17	.25	.20		.03
Special	8.52	.25	.20		.03
Spray	8.62	.25	.20		.03
Old Construction:					
Basic	7.83	.25	.20		.03
Special	8.18	.25	.20		.03
Spray	8.38	.25	.20		.03
Work on bridges (over navigable water) $2.00 per hour premium all zones					
Piledrivermen	9.25	.30	.30		
Plasterers	9.30				
Plumbers:					
Zone 1 Jefferson & Warren Counties	9.77	.36	.75	.77	.07
Zone 2 Outside Jefferson & Warren Counties 35-mile radius of Jefferson & Warren Counties Courthouse and entire Ft Knox Reservation.	10.22	.36	.75	.77	.07
Zone 3 Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.47	.36	.75	.77	.07
Roofers:					
Roofers	7.00	.50	.20		
Slate, tile and precast concrete slab	7.40	.50	.20		
Helpers	4.80	.50	.20		

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers:					
Zone 1					
Jefferson County	8.95	.60	.60		.07
Zone 2					
Hardin & Meade Counties including Ft. Knox Reservation	9.70	.60	.60		.07
Soft floor layers	9.85	.30	.30		.08
Sprinkler fitters	10.55	.50	.80		.08
Steamfitters:					
Zone 1					
Jefferson & Warren Counties	9.99	.45	.60	.60	.08
Zone 2					
Outside Jefferson County to 35-mile radius of Jefferson & Warren Counties Courthouses and all of Ft. Knox	10.44	.45	.60	.60	.08
Zone 3					
Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.69	.45	.60	.60	.08

Footnotes:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employer who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day,
D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

KY75-1102 - (Cond't)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	6.75	.25	.25		.02
GROUP II	6.95	.25	.25		.02
GROUP III	7.10	.25	.25		.02
GROUP IV	7.25	.25	.25		.02
GROUP V	7.95	.25	.25		.02

GROUP I:
Laborers, general, mobile, sweeper

GROUP II:
Power driven Georgia buggy, chain saw, vibrator operator, mesh handler, power tools (air, diesel electric gasoline), wagon drill, pipelayer, wall man, chip & bush hammer, concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker

GROUP III:
Air track driller, mason tender, side rail setter (metal), stackman

GROUP IV:
Powderman introflax burning rod, gunnite nozzle man operator, sewer, tunnel laborers (free air), sand hog or mucker (free air)

GROUP V:
Holeman driller piers, augured caissons, sand miner (tunnel free air), caisson workers

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.20	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.08	.30	.30		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, kept tow or push boat, concrete paver, Gradeall, hoist, hyster, pumperete, Koss carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydr crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jackm joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY75-1102 - (Cond't)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	7.15	a	a	b	
GROUP II	7.05	a	a	b	
GROUP III	6.98	a	a	b	
GROUP IV	6.87	a	a	b	
GROUP V	6.75	a	a	b	

GROUP I:
Winch trucks, A-Frame when used to transport building materials. Euclids and other heavy earth moving equipment, lowboy, fork lift trucks, when used inside warehouse of storage area

GROUP II:
Truck mechanics, concrete mixer trucks (all types, hauling only on the job site)

GROUP III:
Trucks over 3 tons, semi-trailer tandem axle or pole trailers and dumps, farm tractor when used to pull building material or equipment

GROUP IV:
Trucks 3 tons and under, mechanic helper

GROUP V:
Truck helper, warehousemen

FOOTNOTE:
a. Employer contributes $13.50 per week to Health & Welfare and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has be been employed a minimum of 20 work days within any 90 consecutive day period

b. Employee who have been regularly employed on a project by an employer for one year and who worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours)

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND75-5130

DATE: Date of Publication

Supersedes Decision No. ND75-5110 dated August 29, 1975, in 40 FR 40025

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS (except Walsh County)	$8.19	.35	.50		.005
BOILERMAKERS (except Walsh County)	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons:					
Burleigh and Morton Counties	8.30		.15		
Grand Forks, Steele & Walsh Counties	9.63		.15		
Cass and Richland Counties	9.24	.40	.15	.30	
Ward County	7.23		.15		.02
CARPENTERS:					
Burleigh and Morton Counties					.02
Carpenters	7.40				.02
Piledrivermen	7.525				
Grand Forks, Steele(Northern area) and Walsh Counties					
Carpenters	8.01		.20		.02
Piledrivermen	8.27		.20		.02
Millwrights	7.53		.20		.02
Cass, Richland and Steele (Southern area) Counties					
Carpenters	8.08		.30		
Ward County					.02
Carpenters	7.03				.02
Piledrivermen	7.51				.02
Millwrights	7.26				
CEMENT MASONS:					
Grand Forks and Steele Counties	7.00		.15		
Cass, and Richland Counties	8.41				
Ward County	5.50				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P.O. in the Cities of Grand Forks, Valley City; Fargo and West Fargo.					
Zone (A) within 0-15 miles of each main P. O.					
Electricians	8.60	.40	1%	6%	1½%
Cable Splicers	9.03	.40	1%	6%	1½%

DECISION NO. ND75-5130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$9.22	.40	1%	6%	1½%
Cable Splicers	9.65	.40	1%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	9.85	.40	1%	6%	1½%
Cable Splicers	10.28	.40	1%	6%	1½%
Burleigh, Morton and Ward Cos.					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Mandan					
Zone (A) Within 0-25 miles of each main P. O.					
Electricians	8.40	.40	1%	6%	1½%
Cable Splicers	8.80	.40	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	9.90	.40	1%	6%	1½%
Cable Splicers	10.30	.40	1%	6%	1½%
ELEVATOR CONSTRUCTORS (excluding Walsh County)	8.75	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	9.19	.52	.50		.05
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.75				.02
Sandblasting; Structural Steel Spray	8.50				.02
Burleigh and Morton Counties					
Brush	6.85				
Spray	6.55				

DECISION NO. ND75-5130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Ward County					
Brush	$5.20				
Spray	5.55				
PLASTERERS:					
Grand Forks and Steele Counties	7.62		.15		
Ward County	6.50				
Cass and Richland Counties	8.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele, and Walsh Counties	9.20	.38	.20		.01
Burleigh and Morton Counties	8.60	.40	.25		.02
Ward County	9.05	.35	.25		.04
ROOFERS:					
Cass and Richland Counties	6.85				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	9.20				
Cass and Richland Counties	8.05	.40	.10		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS (except Walsh County)	8.75	.50	.80		.08

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. ND75-5130

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Grand Forks and Steele Counties					
Group 1:					
Laborers; Concrete bucket dumpman	$5.72	.20			
Group 2:					
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.87	.20			
Group 3:					
Hod carriers; Non-metallic pipe-layer; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	6.07	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers; Concrete bucket man; Brick and plasterer tender	5.10	.20			
Groups 2 and 3:					
All power tool operator of tools that come under the laborers' jurisdiction; Mortar mixer; Hod carriers; Non-metallic pipe layer; Gas line wrapping or taping; Cutting torch for demolition	5.20	.20			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Cass and Richland Counties					
Group 1:					
Laborers; Concrete bucket dumpman; Bricktender	$5.29	.20			
Group 2:					
All power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar mixer	5.44	.20			
Group 3:					
Hod carriers; Non-metallic pipe layer; Gas line wrapping and taping (Distribution only); Cutting torch for demolition	5.44	.20			
Ward County					
Group 1:					
Laborer; Concrete bucket dumpman	5.29	.20			
Group 2:					
All power tool operators of all tools that come under the laborers' jurisdiction; Mortar mixer; and Plasterer tender	5.39	.20			
Group 3:					
Non-metallic pipe layer; Gas line wrapping or taping (Distribution only); Cutting torch for demolition	5.54	.20			

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group 1:					
Cranes, tower and overhead; Cherry picker	$ 7.40	.35	.25		
Group 2:					
Brakemen; Any air compressed operations over 300 well points; Frontend loader over 1½ cu. yds.; Power plant engineer; Straddle carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.80	.25	.25		
Group 3:					
Hoist; Greaser; Concrete mixer operator; Boom truck; Firemen; Tractor, 75 HP and under; Front-end loader, 1½ cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled scissor jax	5.80	.35	.25		

DECISION NO. ND75-5130

Site Preparation Excavation and Incidential Paving (except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidential Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS					
Group 1	7.20	.35	.25		
Group 2	7.05	.35	.25		
Group 3	6.90	.35	.25		
Group 4	6.85	.35	.25		
Group 5	6.60	.35	.25		
Group 6	6.37	.35	.25		
Group 7	5.44	.35	.25		
Group 8	5.29	.35	.25		
Group 9	5.19	.35	.25		
Group 10	4.85	.35	.25		
Site Preparation Excavation and Incidental Paving (except Walsh County)					
TRUCK DRIVERS					
Single Axle	4.77	.35	.15		
Tandem	4.87	.35	.15		
Agitator Dumpcrete	5.12	.35	.15		
Off road heavy end dumps, 20 yds. and under; Tandem Semi, Lowboy	5.12	.35	.15		
Euclid, over 20 yds.	5.75	.35	.15		

DECISION NO. ND75-5130

LABORERS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Semi-skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, Electric or Pneumatic Tool Operator (Chipping Hammer, Grinders and Paving Breakers, Tamper (dirt), Concrete Vibrator Operator); Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzleman

POWER EQUIPMENT OPERATORS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operator or Engineer, Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Operator; Hydrocrane Operator, 15 ton and over

DECISION NO. ND75-5130

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline wrapping, cleaning and bending Machine Operator; Power actuated Horizontal Boring Machine over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven) (paving); Tandem Scraper - twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industriel Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type Dozer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator, (or similar type)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade) (power operated); Fine Grade Operator; Roller, steel and self-propelled rubber, on Hot Mix; Asphalt Paving; Tractor type Dozer under D-6 H.P.; Distributor Operator

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power Apsco or similar type) including self-propelled Sand Chip Spreader; Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

DECISION NO. ND75-5130

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Crawler type Tractor pulling Compaction or Areating Equipment; Farm type Rubber Tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, on other than Hot Mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanics' Helpers or Greaser Helper; Oiler (power shovel, crane, dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting and Areating; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

DECISION NO. ND75-5130

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$8.30	.35	1%		1/2%
Group 2: Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixture erection	6.69	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.58	.35	1%		1/2%
Group 4: Groundman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.13	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: Texas

COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: TX75-4159

DATE: Date of Publication

Supersedes Decision No. TX75-4086, dated May 16, 1975, in 40 FR 21667.

DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$2.90	$ -	$2.75
Asphalt Heaterman	3.50	3.10	3.00	-	2.75
Asphalt Raker	3.90	3.25	3.25	3.00	3.00
Asphalt Shoveler	-	2.60	2.50	2.30	2.50
Batching Plant Scaleman	4.30	3.75	3.55	3.55	-
Batterboard Setter	-	-	3.65	2.50	2.50
Carpenter	4.70	3.75	3.50	3.65	3.75
Carpenter Helper	3.25	3.25	2.75	3.50	2.80
Concrete Finisher (Paving)	4.15	-	3.50	3.00	3.60
Concrete Finisher Helper (Paving)	3.40	-	3.00	2.50	2.95
Concrete Finisher (Structures)	4.65	3.50	3.75	3.20	3.65
Concrete Finisher Helper (Structures)	3.25	3.15	3.00	2.75	3.00
Concrete Rubber	-	-	-	2.75	2.50
Electrician	-	-	-	6.00	6.50
Electrician Helper	-	-	-	4.60	3.20
Fireman	-	-	-	-	-
Form Builder (Structures)	-	-	4.00	3.15	3.85
Form Builder Helper (Structures)	-	-	3.00	2.65	2.95
Form Liner (Paving and Curb)	5.00	-	-	3.00	-
Form Setter (Paving and Curb)	4.90	-	3.75	3.60	3.75
Form Setter Helper (Paving and Curb)	3.50	-	2.75	-	3.00
Form Setter (Structures)	4.80	3.50	4.00	3.40	3.50
Form Setter Helper (Structures)	4.20	3.00	2.75	2.70	2.75
Laborer, Common	2.75	2.60	2.50	2.10	2.25
Laborer, Utility Man	3.00	3.00	2.75	2.65	2.50
Manhole Builder, Brick	-	-	3.00	-	2.75
Mechanic	4.50	3.95	3.95	3.50	4.10
Mechanic Helper	3.55	3.00	3.10	3.00	3.00
Oiler	3.55	3.20	3.25	3.00	3.00
Serviceman	3.80	3.40	3.30	3.40	3.00
Painter (Structures)	5.00	-	-	-	4.90
Painter Helper (Structures)	-	-	-	-	3.00
Piledrivermen	-	-	-	2.75	5.30
Pipelayer	3.25	-	3.50	2.75	3.00
Pipelayer Helper	-	-	2.90	2.25	2.75
Powderman	4.20	4.00	4.00	3.60	3.75
Powderman Helper	-	-	3.10	3.00	2.50
Reinforcing Steel Setter (Paving)	-	-	-	-	-
Reinforcing Steel Setter (Structures)	4.50	4.10	4.00	3.10	3.65
Reinforcing Steel Setter Helper	-	-	2.75	2.75	2.70
Steel Worker (Socuctural)	-	-	-	-	4.30
Steel Worker Helper (Structural)	-	-	-	-	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$3.25	$ -	$ -	$ -	$ -
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	3.75	3.50	3.00	3.25	3.25
Swamper	3.10	2.60	-	-	3.00
Power Equipment Operators:					
Asphalt Distributor	4.65	3.50	3.35	3.00	3.25
Asphalt Paving Machine	4.65	3.50	3.50	3.25	3.45
Broom or Sweeper Operator	3.00	2.75	3.25	-	2.70
Bulldozer, 150 HP and Less	3.95	3.00	3.50	3.20	3.25
Bulldozer, over 150 HP	4.20	3.50	3.95	3.50	3.50
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	-	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.60	3.85	3.90	3.75	3.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.80	4.80	4.25	4.10	4.40
Crusher or Screening Plant Operator	4.15	3.50	3.50	3.00	3.75
Elevating Grader	-	-	4.10	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	6.00
Foundation Drill Operator (Truck Mounted)	3.90	-	4.60	-	6.00
Foundation Drill Operator Helper	-	-	-	-	3.55
Front End Loader (2½ CY and Less)	3.75	3.30	3.50	3.30	3.25
Front End Loader (Over 2½ CY)	4.30	3.85	3.75	3.70	4.00
Mixer (over 16 CF)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.80	4.65	4.40	4.00	4.25
Motor Grader Operator	4.45	4.10	4.00	3.75	3.75
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.40	3.20	3.25	3.25	2.75
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45	3.00	2.90	2.75	2.85
Roller, Pneumatic (Self-Propelled)	3.25	3.00	2.50	2.50	2.50
Scrapers (17 CY and Less)	3.50	3.50	3.45	3.25	3.00
Scrapers (Over 17 CY)	4.20	3.50	3.50	3.50	3.50
Self-Propelled Hammer	-	-	-	-	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Side Boom	$ -	$ -	$3.70	$ -	$ -
Tractor (Crawler Type) 150 HP and Less	3.00	3.00	-	2.80	2.50
Tractor (Crawler Type) over 150 HP	3.70	3.50	3.25	3.00	3.35
Tractor (Pneumatic) 80 HP and Less	-	3.00	2.50	2.75	2.50
Tractor (Pneumatic) over 80 HP	3.30	3.50	3.25	2.75	3.25
Traveling Mixer	3.75	3.25	-	-	-
Trenching Machine, Light	-	3.00	3.70	2.50	3.50
Trenching Machine, Heavy	-	-	3.80	-	3.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55	3.60	3.50	3.50	3.50
Truck Drivers:					
Single Axle, Light	3.00	2.75	2.95	2.75	2.50
Single Axle, Heavy	3.40	3.00	3.00	2.75	2.50
Tandem Axle or Semitrailer	3.00	3.00	3.00	2.70	2.75
Lowboy-Float	3.50	-	3.35	2.50	3.25
Transit-Mix	-	-	2.60	2.75	-
Winch	-	-	3.40	-	3.50
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.75	2.70	2.75	2.85	-
Welder	4.80	4.00	4.00	3.70	4.00
Welder Helper	-	-	-	-	3.30

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$ -	$3.30	$2.80	$ -
Asphalt Heaterman	3.25	2.75	3.00	3.40	-
Asphalt Raker	3.25	3.10	3.00	3.25	3.75
Asphalt Shoveler	2.50	2.50	-	-	3.00
Batching Plant Scaleman	3.40	3.00	3.75	3.75	4.25
Batterboard Setter	-	3.10	-	-	-
Carpenter	3.50	3.80	3.50	4.00	4.25
Carpenter Helper	2.40	3.00	2.50	3.00	3.05
Concrete Finisher (Paving)	2.75	-	-	-	4.25
Concrete Finisher Helper (Paving)	2.35	-	-	-	3.50
Concrete Finisher (Structures)	3.35	3.65	3.70	3.85	4.00
Concrete Finisher Helper (Structures)	2.65	3.25	3.00	2.50	3.25
Concrete Rubber	-	-	2.75	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Electrician	$7.50	$7.05	$6.00	$6.40	$ -
Electrician Helper	-	5.80	-	-	-
Fireman	-	-	-	-	-
Form Builder (Structures)	4.00	3.75	3.55	4.00	4.00
Form Builder Helper (Structures)	2.80	3.00	-	3.25	3.00
Form Liner (Paving and Curb)	3.00	3.50	3.75	-	4.25
Form Setter (Paving and Curb)	3.00	3.00	4.00	-	4.00
Form Setter Helper (Paving and Curb)	2.75	-	2.60	-	3.50
Form Setter (Structures)	3.75	3.90	3.50	4.00	4.15
Form Setter Helper (Structures)	3.00	3.00	3.00	3.00	3.50
Laborer, Common	2.35	2.45	2.50	2.50	2.70
Laborer, Utility Man	2.85	2.85	2.75	2.90	3.00
Manhole Builder, Brick	3.50	3.50	-	-	-
Mechanic	4.00	4.10	4.00	4.50	4.00
Mechanic Helper	2.85	3.10	3.00	3.80	2.75
Oiler	2.80	2.95	3.00	3.75	3.50
Serviceman	2.50	3.00	3.00	3.50	3.75
Painter (Structures)	-	5.00	5.25	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	3.75	-	-	-	3.50
Pipelayer	2.85	3.50	3.00	3.25	3.90
Pipelayer Helper	2.50	2.50	2.75	2.50	3.50
Powderman	-	-	4.25	3.75	4.25
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	3.00	-	3.00
Reinforcing Steel Setter (Structures)	3.30	3.50	3.75	3.50	4.20
Reinforcing Steel Setter Helper	2.40	3.00	3.00	2.50	3.00
Steel Worker (Structural)	-	-	-	-	-
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	-	-	3.25	3.25	3.55
Sign Erector Helper	-	-	2.95	-	3.00
Spreader Box Man	3.25	3.00	3.15	3.65	3.00
Swamper	-	-	-	3.30	-
Power Equipment Operators:					
Asphalt Distributor	3.25	3.35	3.50	4.00	3.75
Asphalt Paving Machine	3.50	3.65	3.50	4.00	3.75
Broom or Sweeper Operator	2.50	2.45	3.10	3.10	-
Bulldozer, 150 HP and Less	3.25	3.25	3.25	3.75	3.95
Bulldozer, over 150 HP	3.55	3.50	3.50	4.00	4.25
Concrete Paving Curing Machine	-	-	-	3.50	4.25
Concrete Paving Finishing Machine	-	-	-	-	4.25
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Concrete Paving Longitudinal Float	$ -	$ -	$ -	$ -	$4.25
Concrete Paving Saw	-	-	-	3.50	3.75
Concrete Paving Spreader	-	-	-	-	3.60
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00	3.55	3.90	4.00	4.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25	4.25	4.25	4.25	4.65
Crusher or Screening Plant Operator	-	3.50	-	3.75	-
Elevator Grader	-	-	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	-	-
Foundation Drill Operator (Truck Mounted)	-	-	6.00	5.15	4.50
Foundation Drill Operator Helper	-	-	3.60	3.00	3.45
Front End Loader (2½ CY and Less)	3.00	3.00	3.00	3.75	3.50
Front End Loader (Over 2½ CY)	3.50	3.50	4.00	4.00	4.30
Mixer (Over 16 CF)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.00	4.25	4.50	4.50	4.25
Motor Grader Operator	3.50	3.50	3.70	4.00	4.00
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	2.65	3.00	3.15	3.00	3.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60	2.60	2.50	3.00	3.60
Roller, Pneumatic (Self-Propelled)	2.60	2.45	2.50	2.95	3.00
Scrapers (17 CY and Less)	3.00	3.25	3.00	3.50	3.75
Scrapers (Over 17 CY)	3.50	3.25	3.60	3.75	4.00
Self-Propelled Hammer	-	-	-	-	4.25
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	2.85	2.60	2.75	3.00	-
Tractor (Crawler Type) over 150 HP	3.10	3.25	3.50	3.50	4.10
Tractor (Pneumatic) 80 HP and Less	2.75	2.50	2.75	2.70	3.35
Tractor (Pneumatic) over 80 HP	3.00	2.90	-	3.10	3.50
Traveling Mixer	3.00	2.80	-	-	3.25
Trenching Machine, Light	-	3.65	2.95	-	-
Trenching Machine, Heavy	-	-	-	3.75	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	3.00	3.15	3.80

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Truck Drivers:					
Single Axle, Light	$2.35	$2.45	$2.50	$3.00	$3.00
Single Axle, Heavy	2.50	2.50	2.75	3.00	3.10
Tandem Axle or Semitrailer	2.35	2.75	3.00	3.00	3.50
Lowboy-Float	-	3.00	-	3.00	4.25
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	-	-	-	2.50	-
Welder	3.75	3.50	4.15	4.00	4.15
Welder Helper	-	-	-	3.25	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$3.10	$ -	$ -	$ -	$3.50
Asphalt Heaterman	-	2.75	3.35	-	3.35
Asphalt Raker	4.00	3.75	3.15	3.25	3.55
Asphalt Shoveler	-	3.00	2.90	-	-
Batching Plant Scaleman	4.25	2.90	-	2.85	4.00
Batterboard Setter	-	-	-	-	-
Carpenter	4.25	4.00	4.35	3.90	4.35
Carpenter Helper	3.20	3.30	3.30	3.50	3.50
Concrete Finisher (Paving)	4.00	4.00	4.60	-	4.75
Concrete Finisher Helper (Paving)	3.40	3.25	3.10	-	3.50
Concrete Finisher (Structures)	4.00	4.00	4.00	4.00	4.30
Concrete Finisher Helper (Structures)	3.00	3.50	3.50	3.00	3.60
Concrete Rubber	3.00	4.00	-	-	3.80
Electrician	5.75	5.75	5.25	-	6.00
Electricians Helper	3.75	-	-	-	-
Fireman	-	-	2.90	3.00	-
Form Builder (Structures)	4.25	3.75	4.25	4.25	3.50
Form Builder Helper (Structures)	3.50	2.95	3.00	2.50	2.85
Form Liner (Paving and Curb)	4.25	4.30	-	-	4.75
Form Setter (Paving and Curb)	4.00	3.50	3.50	-	4.50
Form Setter Helper (Paving and Curb)	2.90	3.00	3.00	-	3.50
Form Setter (Structures)	4.00	4.00	3.50	4.00	4.25
Form Setter Helper (Structures)	3.45	3.30	3.00	2.55	3.60
Laborer, Common	2.50	2.50	2.50	2.50	2.85
Laborer, Utility Man	2.60	3.15	3.00	2.60	3.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Manhole Builder, Brick	$ -	$ -	$ -	$ -	$3.90
Mechanic	4.20	3.75	4.95	4.00	4.75
Mechanic Helper	3.10	3.15	3.50	3.00	4.00
Oiler	3.35	3.40	3.20	3.00	3.25
Serviceman	3.50	3.50	3.75	2.75	3.95
Painter (Structures)	-	4.50	-	-	5.50
Painter Helper (Structures)	-	-	-	-	4.00
Piledrivermen	-	-	-	-	4.00
Pipelayer	3.00	3.10	3.20	-	4.75
Pipelayer Helper	2.60	2.65	-	-	3.75
Powderman	4.50	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	3.25	-	-	-	3.85
Reinforcing Steel Setter (Structures)	4.00	3.50	-	3.75	4.20
Reinforcing Steel Setter Helper	3.25	3.00	-	-	2.85
Steel Worker (Structural)	4.00	4.50	-	-	4.50
Steel Worker Helper (Structural)	-	-	-	-	3.60
Sign Erector	-	-	-	-	-
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	-	3.00	4.00	-	4.00
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.75	3.25	3.75	3.25	3.25
Asphalt Paving Machine	4.00	3.75	3.65	3.45	4.00
Broom or Sweeper Operator	-	3.50	3.25	3.25	3.10
Bulldozer, 150 HP and Less	3.50	3.75	3.75	3.25	4.00
Bulldozer, over 150 HP	4.00	4.00	4.15	3.50	4.50
Concrete Paving Curing Machine	-	-	-	-	3.60
Concrete Paving Finishing Machine	3.50	3.75	-	-	3.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	4.15
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Saw	3.10	3.75	-	-	4.25
Concrete Paving Spreader	-	4.00	-	-	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00	4.00	4.00	4.00	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50	4.50	4.50	4.55	5.00
Crusher or Screening Plant Operator	-	3.75	-	3.35	3.50
Elevating Grader	-	-	-	-	-
Form Loader	-	-	-	-	3.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Foundation Drill Operator (Crawler Mounted)	$ -	$ -	$ -	$ -	$6.10
Foundation Drill Operator (Truck Mounted)	4.95	5.75	-	-	-
Foundation Drill Operator Helper	3.35	3.85	-	-	-
Front End Loader (2½ CY and Less)	3.75	3.40	3.75	3.50	3.50
Front End Loader (Over 2½ CY)	4.00	4.00	4.00	3.75	4.50
Mixer (Over 16 CF)	-	-	-	-	4.00
Motor Grader Operator, Fine Grade	4.50	4.50	4.50	4.00	4.75
Motor Grader Operator	4.00	4.00	4.00	3.50	4.50
Pump Crete	-	3.60	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.00	3.25	3.65	3.15	4.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00	3.00	3.25	2.70	3.50
Roller, Pneumatic (Self-Propelled)	3.50	3.90	3.45	2.90	3.50
Scrapers (17 CY and Less)	3.75	3.75	3.50	3.00	3.25
Scrapers (Over 17 CY)	4.20	4.00	4.00	3.50	4.25
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	3.25	3.30	-	-	3.25
Tractor (Crawler Type) over 150 HP	4.00	3.50	4.35	-	4.00
Tractor (Pneumatic) 80 HP and Less	-	-	-	-	3.35
Tractor (Pneumatic) over 80 HP	4.10	3.35	-	-	3.90
Traveling Mixer	3.00	3.45	4.25	3.00	3.35
Trenching Machine, Light	3.00	-	-	-	4.25
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35	3.50	-	3.00	-
Truck Drivers:					
Single Axle, Light	3.00	3.00	3.00	2.50	3.00
Single Axle, Heavy	3.00	2.80	3.50	2.50	3.45
Tandem Axle or Semitrailer	3.25	2.75	3.00	2.75	2.85
Lowboy-Float	-	3.50	3.55	-	4.25
Transit-Mix	3.00	-	-	-	-
Winch	-	-	-	-	3.50
Vibrator Man (Hand Type)	2.50	2.50	-	-	-
Weighman (Truck Scales)	3.00	2.75	-	-	2.85
Welder	4.00	4.00	-	-	4.60
Welder Helper	-	-	-	-	3.30

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	-				
Asphalt Raker	4.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.00				
Batterboard Setter	-				
Carpenter	4.60				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.55				
Concrete Finisher Helper (Paving)	-				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	-				
Concrete Rubber	-				
Electrician	6.50				
Electrician Helper	-				
Fireman	-				
Form Builder (Structures)	-				
Form Builder Helper (Structures)	-				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	4.25				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	4.75				
Form Setter Helper (Structures)	-				
Laborer, Common	3.00				
Laborer, Utility Man	3.70				
Manhole Builder, Brick	-				
Mechanic	4.50				
Mechanic Helper	-				
Oiler	4.50				
Serviceman	3.25				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledrivermen	-				
Pipelayer	3.25				
Pipelayer	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	-				
Reinforcing Steel Setter (Structures)	-				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	-				
Steel Worker Helper (Structural)					

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$ -				
Sign Erector Helper	-				
Spreader Box Man	4.50				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	4.50				
Asphalt Paving Machine	4.75				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	4.25				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	-				
Concrete Paving Form Grader	4.50				
Concrete Paving Joint Machine	-				
Concrete Paving Longitudinal Float	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.15				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	-				
Motor Grader Operator, Fine Grade	4.75				
Motor Grader Operator	4.25				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	-				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.25				
Roller, Pneumatic (Self-Propelled)	3.80				
Scrapers (17 CY and Less)	4.25				
Scrapers (Over 17 CY)	4.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Self-Propelled Hammer	$ -				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	-				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP and Less	3.15				
Tractor (Pneumatic) over 80 HP	4.25				
Traveling Mixer	3.90				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	-				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	4.80				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	5.45				
Welder Helper	-				

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

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ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell*, Bosque, Coryell*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island and work performed on the site of water or sewage treatment facilities in Galveston County

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4161 DATE: Date of Publication

Supersedes Decision No. TX75-4118, dated July 11, 1975, in 40 FR 29529.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$8.65		.20		
CARPENTERS	8.45				
CEMENT MASONS	7.80				
ELECTRICIANS	8.53	.40	1%		1/2%
LABORERS:					
Laborers	4.51	.30	.10		
Mason tenders	4.66	.30	.10		
PAINTERS	6.60		.20		
PLUMBERS	8.18	.25	.55	.30	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. TX75-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.50				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.70				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	4.15				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.65				
Concrete Finisher Helper(Structures)	3.25				
Form Liner (Paving and Curb)	5.00				
Form Setter (Paving and Curb)	4.90				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	4.20				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.50				
Mechanic Helper	3.55				
Oiler	3.55				
Serviceman	3.80				
Painter (Structures)	5.00				
Pipelayer	3.25				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.50				
Sign Erector	3.25				
Spreader Box Man	3.75				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.65				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.95				
Bulldozer, over 150 HP	4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.60				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.80				
Crusher or Screening Plant Operator	4.15				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.30				

DECISION NO. TX75-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.70				
Tractor (Pneumatic) over 80 HP	3.30				
Traveling Mixer	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.40				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Weighman (Truck Scales)	2.75				
Welder	4.80				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4160

DATED: Date of Publication

Supersedes Decision No. TX75-4135, dated July 25, 1975, in 40 FR 31569.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.35	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.65		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Carpenters	8.45				
Millwrights	8.80				
ZONE 2 - Childress County:					
Carpenters	7.90	.30	.40		.07
Millwrights	8.39	.30	.40		.07
CEMENT MASONS:					
Cement masons	7.80				
Machine operators	8.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Electricians	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. TX75-4160

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$5.75				
IRONWORKERS	8.25	.55	.60		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.51	.30	.10		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers, spotters	4.66	.30	.10		
LATHERS	8.00				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Lineman	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
Groundman, more than 1 year experience	5.61	.40	1%		1/2%
Groundman, less than 1 year experience	4.90	.40	1%		1/2%
Operator-hole digger, line truck	6.50	.40	1%		1/2%
Flat bed truck driver	4.90	.40	1%		1/2%

DECISION NO. TX75-4160

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.65		.20		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; perfa-tapers	6.60		.20		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	6.725		.20		
GROUP 3 - Spray painters & sandblasters	7.35		.20		
GROUP 4 - Perfa-tape machine operator	6.85		.20		
PLASTERERS	8.00				
PLUMBERS & PIPEFITTERS	8.18	.25	.55	.30	.01
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.49	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.05	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator

GROUP 2 - Blade grader, self-propelled; Clam shells; Cableways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixmobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated

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CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Air compressors, pumps, welding machines, throttle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Codevil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressors and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated

GROUP 4 - Winch trucks

GROUP 5 - Front end scoopmobile, loader & payloader

GROUP 6 - Blade grader, towed; Elevators, building; Fork lifts; Hoist, single drum or one line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane

GROUP 7 - Mechanic helper; Welder helper; Fireman

GROUP 8 - Greasers

GROUP 9 - Oilers, 1st year

GROUP 10 - Oilers, 2nd year

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	8.68		.20		.07
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: West Virginia
DECISION NO.: WV75-3105
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. WV75-3009, dated January 31, 1975, in 40 FR 4883.
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS & STONEMASONS:					
ZONE 1	$ 9.06	.50	.75		
ZONE 2	8.55	.30	.30	.30+d	
ZONE 3	8.60	.50	4%	6%	.02
ZONE 4	9.48	.35			.02
ZONE 5	9.40	.30	.25		
ZONE 6	9.65	.40			
ZONE 7	10.63		.20		
ZONE 8	9.05	.45			
ZONE 9	8.84		.40		
ZONE 10	9.00				
ZONE 11	6.70				

AREAS COVERED BY BRICKLAYERS ZONE

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam, Raleigh & Summers Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 3 - Marshall, Ohio, Tyler & Wetzel Counties.
ZONE 4 - Brooke, Hancock Counties.
ZONE 5 - Monongalia & Preston Counties.
ZONE 6 - Marion County.
ZONE 7 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
ZONE 8 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 9 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
ZONE 10 - Barbour, Grant, Hardy, Pendleton, Pocahontas, Randolph & Tucker Counties.
ZONE 11 - McDowell, Mercer, Monroe & Wyoming Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CARPENTERS:						
ZONE 1	$ 7.72	$ 7.56	.25	.25		.02
ZONE 2	6.97	6.80	.25	.25		.02

DECISION NO. WV75-3105

AREA COVERED BY CARPENTERS ZONE

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

DECISION NO.	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:						
ZONE 1	$ 7.96	$ 7.79	.25			
ZONE 2	7.48	7.29	.25			

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
ZONE 1					
Wiremen	$10.70	.30	1%+.07	.02	.04
Cable splicers	11.75	.30	1%+.07	.02	.04
ZONE 2					
Contracts $15,000 or less:					
Wiremen	6.50	.30	1%+.12	.52	.04
Cable splicers	6.80	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.40	.30	1%+.12	.52	.04
Cable splicers	9.70	.30	1%+.12	.52	.04
ZONE 3					
Wiremen	9.10	.30	1%	1.02	.03
Cable splicers	10.01	.30	1%	1.02	.03
ZONE 4					
Wiremen	9.15	.30	1%+.32	1.09+a	.04
Cable splicers	9.40	.30	1%+.32	1.09+a	.04
ZONE 5					
Wiremen	10.80	6%	7%	8%	1/5of 1%
Cable splicers	11.20	6%	7%	8%	1/5of 1%
ZONE 6					
Contracts under $12,000:					
Wiremen	5.00	.30	1%+.87	1.27	.02
Contractors $12,000 or more:					
Wiremen	8.35	.30	1%+.87	1.27	.02
Cable splicers	8.50	.30	1%+.87	1.27	.02
ZONE 7					
Wiremen	9.05	.30	1%+1.02	1.02	.04
Cable splicers	9.30	.30	1%+1.02	1.02	.04
ZONE 8					
Wiremen	9.80	.30	1%+.32	1.02	.04
Cable splicers	10.79	.30	1%+.32	1.02	.04
ZONE 9					
Wiremen	10.25	.30	1%+.32	1.02	.04
Cable splicers	11.275	.30	1%+.32	1.02	.04
ZONE 10					
Wiremen	10.00	.30	1%+.32	1.02	.04
Cable splicers	11.00	.30	1%+.32	1.02	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Wiremen	$ 9.05	.30	1%+.25		1%
Cable splicers	9.30	.30	1%+.25		1%
ZONE 12					
Wiremen	9.25	.30	1%+.25		1%
Cable splicers	9.50	.30	1%+.25		1%
ZONE 13					
Wiremen	9.45	.30	1%+.25		1%
Cable splicers	9.70	.30	1%+.25		1%
ZONE 14					
Wiremen	7.94	.30	1%		¼ of 1%
Cable splicers	8.34	.30	1%		¼ of 1%
ZONE 15					
Contracts $15,00 or less:					
Wiremen	6.80	.30	1%+.12	.52	.04
Cable splicers	7.10	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.70	.30	1%+.12	.52	.04
Cable splicers	10.00	.30	1%+.12	.52	.04
ZONE 16					
Contracts $15,000 or less:					
Wiremen	7.00	.30	1%+.12	.52	.04
Cable splicers	7.30	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.90	.30	1%+.12	.52	.04
Cable splicers	10.20	.30	1%+.12	.52	.04
ZONE 17					
Contracts under $30,000:					
Wiremen	5.85	.30	1%		3/4of1%
Contracts $30,000 or more:					
Wiremen	9.25	.30	1%		3/4of1%

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AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Boone, Braxton, Calhoun, Clay, Fayette (Falls & Kanawha Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Roane & Webster Counties.
ZONE 2 - Raleigh (remainder of county) County.
ZONE 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
ZONE 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 8 - Cabell & Wayne Counties.
ZONE 9 - Logan, Mason & Mingo Counties.
ZONE 10 - Lincoln County.
ZONE 11 - Mineral County.
ZONE 12 - Berkeley, Hampshire & Morgan Counties.
ZONE 13 - Grant County.
ZONE 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
ZONE 15 - Fayette (remainder of county) County.
ZONE 16 - Summers & Wyoming Counties.
ZONE 17 - Hardy, Jefferson & Pendleton Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
ZONE 1	$ 9.35	.55	.55		.05
ZONE 2	9.30	.60	.50	5%	.03
ZONE 3	8.89	.55	.85		.01
ZONE 4					
AREA 1 - 10 mile from Union Hall	9.66	.55	.55		.01
AREA 2 - 10-15 mile from Union Hall	9.81	.55	.55		.01
AREA 3 - 15-20 mile from Union Hall	9.91	.55	.55		.01
AREA 4 - 20-25 mile from Union Hall	10.01	.55	.55		.01
ZONE 5	9.12	.50	.50		
ZONE 6	8.15	.50	.55		.03

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AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
ZONE 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
ZONE 4 - Cabell, Mingo & Wayne Counties.
ZONE 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
ZONE 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
LABORERS:						
ZONE 1						
GROUP 1	$ 7.18	7.01	.25	.25		.03
GROUP 2	6.77	6.60	.25	.25		.03
GROUP 3	6.45	6.29	.25	.25		.03
GROUP 4	6.14	5.96	.25	.25		.03
GROUP 5	5.89	5.72	.25	.25		.03
GROUP 6	5.39	5.28	.25	.25		.03
ZONE 2						
GROUP 1	7.08	6.93	.25	.25		.03
GROUP 2	6.66	6.53	.25	.25		.03
GROUP 3	6.36	6.18	.25	.25		.03
GROUP 4	6.03	5.88	.25	.25		.03
GROUP 5	5.79	5.53	.25	.25		.03
GROUP 6	5.29	5.04	.25	.25		.03

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CLASSIFICATION DEFINITIONS
LABORERS ZONES 1 & 2

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
GROUP 2 - Powderman, Mucker-Chucker.
GROUP 3 - Caison bttom man, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Heler, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man.
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
GROUP 6 - Watchman

AREA COVERED BY LABORERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Linemen & Operators (all mechanized equipment)	$ 9.76	.35	1%+.32	1.02	½ of 1%
Cable Splicers	10.74	.35	1%+.32	1.02	½ of 1%
Groundmen	7.81	.35	1%+.32	1.02	½ of 1%
ZONE 2					
Linemen & Operators (all mechanized equipment)	9.40	.30	1%+.12	.52	½ of 1%
Cable Splicers	9.70	.30	1%+.12	.52	½ of 1%
Groundmen	7.52	.30	1%+.12	.52	½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Linemen & Operators (all mechanized equipment)	$ 9.00	.35	1%+1.02	1.02	½ of 1%
Cable Splicers	9.90	.35	1%+1.02	1.02	½ of 1%
Groundmen	7.20	.35	1%+1.02	1.02	½ of 1%
ZONE 4					
Linemen & Operators (all mechanized equipment)	9.10	.30	1%	1.02	½ of 1%
Cable Splicers	10.01	.30	1%	1.02	½ of 1%
Groundmen	7.28	.30	1%	1.02	½ of 1%
ZONE 5					
Linemen & Operators (all mechanized equipment)	9.15	.30	1%+.32	1.09+a	½ of 1%
Cable Splicers	9.40	.30	1%+.32	1.09+a	½ of 1%
Groundmen	7.32	.30	1%+.32	1.09+a	½ of 1%
ZONE 6					
Linemen & Operators (all mechanized equipment)	10.80	5%	6%	8%	½ of 1%
Cable Splicers	11.20	5%	6%	8%	½ of 1%
Groundmen	7.02	5%	6%	8%	½ of 1%
ZONE 7					
Linemen & Operators (all mechanized equipment)	8.25	.30	1%+.37	1.02	½ of 1%
Cable Splicers	9.075	.30	1%+.37	1.02	½ of 1%
Groundmen	6.60	.30	1%+.37	1.02	½ of 1%
ZONE 8					
Linemen	9.05	.30	1%+.25		½ of 1%
Equipment Operator	8.63	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	5.88	.30	1%+.25		½ of 1%
ZONE 9					
Linemen	9.25	.30	1%+.25		½ of 1%
Equipment Operator	8.83	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	6.08	.30	1%+.25		½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 10					
Linemen	$ 9.45	.30	1%+.25		½ of 1%
Equipment Operator	9.03	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	6.28	.30	1%+.25		½ of 1%
ZONE 11					
Linemen, Cable Splicers, Equipment Operators	10.61	.35	1%		½ of 1%
Truck with winch, pole or steel handling	7.63	.35	1%		½ of 1%
Groundmen	7.37	.35	1%		½ of 1%
ZONE 12					
Linemen & Operators (all mechanized equipment)	9.70	.30	1%+.12	.52	½ of 1%
Cable Splicers	10.00	.30	1%+.12	.52	½ of 1%
Groundmen	7.76	.30	1%+.12	.52	½ of 1%
ZONE 13					
Linemen & Operators (all mechanized equipment)	9.90	.30	1%+.12	.52	½ of 1%
Cable Splicers	10.20	.30	1%+.12	.52	½ of 1%
Groundmen	7.92	.30	1%+.12	.52	½ of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.
ZONE 2 - Raleigh County.
ZONE 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
ZONE 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke (except Buffalo Twp.) & Hancock Counties.
ZONE 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 8 - Mineral County.
ZONE 9 - Berkeley, Hampshire & Morgan Counties.
ZONE 10 - Grant County.
ZONE 11 - Hardy, Jefferson & Pendleton Counties.
ZONE 12 - Fayette County.
ZONE 13 - Summers & Wyoming Counties.

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	NEW	REPAINT				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
PAINTERS:						
ZONE 1						
Brush	$ 7.34	6.58				
Air Compressor Operator	7.34	6.58				
Roller, Spray, Dipping & Mitten Work	7.63	6.91				
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window jack work	8.12	7.61				
Brush painters on bridges needle beam, cable work power tool work, brush & flame cleaning	8.48	8.00				
Sand blaster	8.78	8.31				
All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers	9.66	9.29				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2					
Brush-Roller	$ 7.25				
Power cleaning tools, hanging & preparing scaffolding	7.75				
Spray, sandblasting, Mittens, structural steel, materials emitting toxic vapors	8.75				
ZONE 3					
Painters	8.40				
Structural steel after erection	9.25				
Bridge painting	9.15				
Spray painters	9.40				
Towers, tanks & stacks	9.65				
Repaint industrial & structural steel	8.50				
Sand blasters	10.25				
Swing & boatswain chair	8.75				
ZONE 4					
New Construction:					
Brush	8.51		.20		.01
Roller	8.77		.20		.01
Spray & Blast, Pot-Men	9.53		.20		.01
Repaint Work					
Brush	7.09		.20		.01
Roller	7.37		.20		.01
Spray-Pot-Men	9.53		.20		.01
Bridge					
Brush	9.21		.20		.01
Roller	9.46		.20		.01
Spray, Blast, Glove	10.21		.20		.01
Open structural steel	8.86		.20		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	9.46		.20		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
Painters	$ 6.82	.20	.25		.02
Painters on towers, smoke stacks, flagpoles, bridges & tanks	8.63	.20	.25		.02
ZONE 6					
Brush & Roller	6.42	.50			.01
Glove	6.67	.50			.01
Spray & Sandblast	7.42	.50			.01
Heavy Construction:					
Roller	6.67	.50			.01
Structural Steel	7.50	.50			.01
Spray & Sandblast	8.50	.50			.01
Towers & Tanks over 35'	8.74	.50			.01
Railroad & Highway Bridges:					
Brush	8.85	.50			.01
Glove & Roller	9.10	.50			.01
Spray & Sandblast	9.85	.50			.01
ZONE 7					
Brush	5.80	.30	.25		
Roller	6.05	.30	.25		
Spray	6.50	.30	.25		
ZONE 8					
Light Work:					
Brush, rollers, sign painting	8.60		.25		
Brush & rollers (toxic materials)	9.10		.25		
Spray, sand blasting and use of flame burning & power tools	9.60		.25		
Spray (toxic materials)	10.10		.25		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Heavy & Hazardous Work:					
Brush & sign painting	$ 9.60		.25		
Brush (toxic materials)	10.10		.25		
Spray, rollers, sand blasting & use of flame burning and power tools	10.60		.25		
Spray & roller (toxic materials)	11.10		.25		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
ZONE 2 - Monongalia & Preston Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
ZONE 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 5 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
ZONE 6 - Brooke, (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 7 - Brooke (remainder of county) & Hancock Counties.
ZONE 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PILEDRIVERS:						
ZONE 1	$ 8.05	7.88	.25	.25		.02
ZONE 2	7.30	7.14	.25	.25		.02

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AREA COVERED BY PILEDRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 8.55	.35	5%	10%	.04
ZONE 2	10.46	.50	7%	8%	.05
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4	9.02	.40	.50	10%	.04
ZONE 5	9.47	.40	.40		
ZONE 6					
Plumbers	9.02	.45	.30		.05
Steamfitters	9.32	.30	.15		.05
ZONE 7					
AREA 1 - within 8 mi radius of Cabell Co. Courthouse	9.42	.40	.60		.02
AREA 2 - 8 to 15 mi from the Courthouse	9.62	.40	.60		.02
AREA 3 - 15 to 25 mi from the Courthouse	9.82	.40	.60		.02
AREA 4 - Over 25 mi from the Courthouse	10.07	.40	.60		.02
ZONE 8					
Contracts $75,000 or less	6.28	.45	.40	.35	.09
Contracts over $75,000	8.35	.45	.40	.35	.09
ZONE 9					
Contracts under $25,000	7.32	.40	.50	a	
Contracts $25,000 more	8.42	.40	.50	a	

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AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 2 - Brooke (remainder of county) & Hancock Counties.
ZONE 3 - Barbour, Braxton (northeast portion including the Town of Sutton), Doddridge, Gilmer, Hardy, Harrison, Lewis, Marion, Pendleton, Randolph, Taylor, Upshur & Webster (northeast portion including the Town of Webster Springs) Counties.
ZONE 4 - Grant, Hampshire, Mineral, Monongalia, Preston & Tucker Counties.
ZONE 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.
ZONE 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (remainder of county), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Roane (remainder of county), Summers & Webster (remainder of county) Counties.
ZONE 7 - Boone (remainder of county), Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
ZONE 8 - Mercer, Monroe Raleigh, McDowell & Wyoming Counties.
ZONE 9 - Berkeley, Jefferson & Morgan Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:						
GROUP 1	$ 8.48	8.34	.25	.35		.04
GROUP 2	7.68	7.51	.25	.35		.04
GROUP 3	6.94	6.77	.25	.35		.04
GROUP 4	6.70	6.53	.25	.35		.04
GROUP 5	6.37	6.20	.25	.35		.04
GROUP 6	6.05	5.88	.25	.35		.04
GROUP 7	7.26	7.10	.25	.35		.04

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CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 50 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications, transloader.
GROUP 2 - Cable way, crane, derrick (2 drums or more) derrick boat, dragline, dredge, gradall, hoist (2 drums or more) mechanic (heavy), mixer plant (2 or more mixers including batch control), paver (dual drums), pile driver, shovel, side boom tractor, cone drill, operator trencher (20" or over), truck crane, back hoe, hi-lift (1½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard guage locomotive, tug boat, concrete pump, controlled fine grade machine.
GROUP 3 - Bulldozer, derrick (single drum), hi-lift (under 1½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, and horizontal road boring machine.
GROUP 4 - Concrete mixer (single drum), one cubic yard or over fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine.
GROUP 5 - High pressure fireman and tiremen.
GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor-belt or bucket, light plant, narrow guage locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.
GROUP 7 - Group 6 operating up to 5 pieces of utility equipment.

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	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:						
ZONE 1						
GROUP 1	$ 6.19	5.95	b	c		
GROUP 2	6.34	6.11	b	c		
GROUP 3	6.60	6.34	b	c		
GROUP 4	6.95	6.71	b	c		
GROUP 5	7.02	6.77	b	c		
GROUP 6	7.19	6.96	b	c		
GROUP 7	7.36	7.02	b	c		
GROUP 8	7.42	7.19	b	c		
ZONE 2						
GROUP 1	5.94	5.77	b	c		
GROUP 2	6.11	5.94	b	c		
GROUP 3	6.34	6.18	b	c		
GROUP 4	6.68	6.52	b	c		
GROUP 5	6.75	6.60	b	c		
GROUP 6	6.95	6.76	b	c		
GROUP 7	7.19	7.00	b	c		
GROUP 8	7.19	7.00	b	c		

CLASSIFICATION DEFINITIONS TRUCK DRIVERS ZONES - 1 & 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.
GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-Up, greasers, tiremen and mechanic helpers (trucks).
GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flatbody, monrail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, off highway near dump - to 22 tons-agitator or mixer trucks (up to and including 5 c.y.).
GROUP 4 - Rubber tired tractors (towing or pushing).
GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - mocker trocker.
GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.
GROUP 7 - "A" frame operator.
GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

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AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

FOOTNOTES:

a. Paid Holidays: New Year's Day' Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employers contribute $41.16 per month per employee employed 30 days or more.

c. Employers contributes $34.67 per month per employee employed 30 days or more.

d. Paid Holiday - Christmas Day.

[FR Doc.75-27828 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART VI:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[1 CFR Part 304]

PRIVACY ACT OF 1974

Proposed Rulemaking

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579), a new Subpart B of Part 304 of Title 1 of the Code of Federal Regulation, is proposed herein. These proposed regulations provide for the protection of identifiable personal information under the control of the Administrative Conference of the United States and establish procedures to be followed by individuals who request information about such records pertaining to themselves and access to or amendments of records which are contained in a system of records maintained by the Conference.

Prior to final adoption of these proposed regulations, consideration will be given to any comments or suggestions which are submitted in writing on or before November 17, 1975, to the Executive Secretary, Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20003. All comments received will be available for public inspection at the Conference's office during regular business hours.

Chapter III of Title 1 of the Code of Federal Regulations is amended by designating Public Availability of Documents and Records as Subpart A of Part 304 and adding a new Subpart B, Privacy Act Implementation, §§ 304.20–304.25, as follows:

Subpart B—Privacy Act Implementation

Sec.

304.20 Purpose and scope.
304.21 Definitions.
304.22 Procedures for requests pertaining to individual records in a system of records.
304.23 Request for amendment or correction of a record.
304.24 Disclosure of a record to a person other than the individual to whom it pertains.
304.25 Schedule of fees.

Authority: 5 U.S.C. 552, 552a, 571–576.

Subpart B—Privacy Act Implementation

§ 304.20 Purpose and scope.

The purpose of this subpart is the implementation of the Privacy Act of 1974, 5 U.S.C. 552a, by establishing procedures whereby an individual can determine if a system of records maintained by the Administrative Conference contains a record pertaining to himself, and procedures for providing access to such a record for the purpose of review, amendment, or correction.

§ 304.21 Definitions.

As used in this subpart, the terms "individual", "maintain", "record", "system of records", and "routine use" shall have the meaning specified in 5 U.S.C. 552a(a).

§ 304.22 Procedures for requests pertaining to individual records in a system of records.

(a) An individual can determine if a particular system of records maintained by the Administrative Conference contains a record pertaining to himself by submitting a written request for such information to the Executive Secretary. The Executive Secretary shall respond to a written request under this subpart within a reasonable time by stating that a record on the individual either is or is not contained in the system.

(b) If an individual seeks access to a record pertaining to himself in a system of records, he shall submit a written request to the Executive Secretary. The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge the request and if possible decide if it should be granted. In any event, a decision shall be reached promptly and notification thereof provided to the individual seeking access. If the request is denied, the individual shall be informed of the reasons therefor and his right to seek judicial review.

(c) In cases where an individual has been granted access to his records, the Executive Secretary shall, prior to releasing such records, require reasonable identification to assure that such records are disclosed to the proper person. No verification of identity will be required of individuals seeking notification of or access to records which are otherwise available to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 304.23 Request for amendment or correction of a record.

(a) An individual may file a request with the Executive Secretary for amendment or correction of a record pertaining to himself in a system of records. Such written request shall state the nature of the information in the record the individual believes to be inaccurate or incomplete, the amendment or correction desired and the reasons therefor. The individual should supply whatever information or documentation he can in support of his request for amendment or correction of a record.

(b) The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge a request for amendment or correction of a record. A decision shall be reached promptly and notification thereof provided to the individual seeking to amend or correct a record. The Executive Secretary may request such additional information or documentation as he may deem necessary to arrive at a decision upon the request.

(c) If the request is denied, the individual shall be informed of the reasons therefor and his right to appeal the denial to the Chairman of the Conference. An appeal shall be submitted in writing within twenty working days following receipt of the notice of denial. The Chairman shall render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual shall be notified promptly of the Chairman's decision and, if the request is denied, the reasons therefor and the individual's right to seek judicial review.

(d) Requests for amendment or correction of a record must be accompanied by a signed notarized statement verifying the identity of the requesting party.

§ 304.24 Disclosure of a record to a person other than the individual to whom it pertains.

Except in accordance with 5 U.S.C. 552a(b), or as required by the Freedom of Information Act, 5 U.S.C. 552, as amended, or other applicable statute, the Conference shall not disclose a record to any individual other than the individual to whom the record pertains without the written consent of such individual.

§ 304.25 Schedule of fees.

Copies of records supplied to any individual at his request shall be provided for $.10 per copy per page. Copying fees of less than $2 per request are waived.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 8, 1975.

[FR Doc.75-27498 Filed 10-8-75;11:57 am]

Administrative Conference of the United States

Privacy Act of 1974

Notice of Systems of Records

The Privacy Act of 1974, Pub. L. No. 93-579 (88 Stat. 1896), requires that each agency publish at least annually a notice of the existence and character of each system of records, as defined in 5 U.S.C. 552a(a)(5), which the agency maintains. Such notice is to contain for each system of records a description of the name; location; categories of individuals on whom the records are maintained; the categories of records; each routine use of the records; the policies and practices governing storage, retrievability, access controls, retention, and disposal of the records; the title and business address of the agency official responsible for the system of records; agency procedures for notification, access, and contest of the records in each system; and the categories of the sources of the records in each system. 5 U.S.C. 552a(e)(4).

Pursuant to this provision, the notice of systems of records is proposed as set forth below. Any interested person may submit to the Executive Secretary, Administrative Conference of the United States, Suite 500, 2120 L Street, N. W., Washington, D. C. 20037, not later than November 17, 1975, comments or suggestions in writing concerning all or part of the notice proposed herein. All such submittals will be placed in the public files and will be available for public inspection during regular business hours.

October 8, 1975.

Richard K. Berg,
Executive Secretary.

ACUS-1

System name: Membership and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former members of the Conference and the Chairman or staff of the Conference; biographical data on members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former members' membership status, their views on Conference studies, proposals, statements and recommendations, and their activities on Conference committees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Past and present Conference members; ACUS Chairmen and

Record source categories: Past and present Conference members; ACUS Chairman staff; publications.

ACUS-2

System name: Consultants' Contracts and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037

Categories of individuals covered by the system: Current and former consultants to the Administrative Conference of the United States.

Categories of records in the system: Contracts entered into by the consultants with the Conference and correspondence related thereto; records of the consultants' expenses paid by the Conference.

Authority for maintenance of the system: 5 U.S.C. 574-75; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the ACUS Chairman and staff in administering the research projects of the Conference and for financial record keeping purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of current and former consultants to the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Current and past consultants to the Conference; ACUS Chairmen and staff.

ACUS-3

System name: Council Membership and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Council of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former Council members of the Conference and the Chairman or staff of the Conference; biographical data on Council members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former Council members' membership status, their views on Conference studies, proposals, statements, and recommendations, as well as a record of their activities on the Council of the Conference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former Council members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Current and former Council members; ACUS Chairman and staff.

ACUS-4

System name: Mailing list for press releases, newsletters, annual reports, and general information—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Conference and consultants to the Conference; officials of all branches of government; representatives of the press; other individuals who have requested that they be kept informed of Conference activities or whose names are placed on the list by the Conference Chairman or staff.

Categories of records in the system: Names and addresses of recipients of Conference publications.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Chairman's Office for the distribution of Conference publications and announcements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index card file maintained in a metal index card cabinet.

Retrievability: Indexed alphabetically.

Safeguards: Stored in metal file cabinet in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Maintained on an ongoing basis; cards removed from the file are destroyed.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals requesting information; Conference membership lists and personnel lists of other agencies and units of government; Consultants to Conference committees; representatives of the press.

ACUS-5

System name: Pay and Pay-Related Records. (Payroll, Travel, Attendance, Leave)—ACUS

System location: General Services Administration, Region 3 Office, Room 7109, 7th and D Streets, S. W., Washington, D. C. 20407; copies held by the Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037. (GSA holds records for the Conference under agreement.)

Categories of individuals covered by the system: Current and former employees of the Conference.

Categories of records in the system: Varied payroll records, including among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees, health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the Conference and GSA employees to maintain adequate payroll information for Conference employees and otherwise by Conference and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C. 575; 31 U.S.C. generally; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used in-house and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see the Appendix below. Categories of users are appropriate ACUS and GSA personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files stored in metal file cabinets and on microfilm.

Retrievability: Retrieved by name and/or social security number.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

General Services Administration 3BCE, Room 7109
Regional Office Building 3, 7th and D Streets, S. W.,
Washington, D. C. 20407.

Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Chairman and staff of the Conference.

ACUS-6

System name: Personnel Records—ACUS

System location: General Services Administration, 2100 M Street, N. W., Room 155, Washington, D. C. 20405; copies held by the Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037. (GSA holds records for the Administrative Conference under agreement).

Categories of individuals covered by the system: Conference staff employees, including per diem employees.

Categories of records in the system: This records system contains a variety of records relating to personnel actions and determinations about individuals while employed in the Federal service. These records include: recommendations not submitted on standard Government forms, such as, awards, salary increases, performance ratings and training; intra-office and inter- office communications; resumes; probationary period reports; issuance of motor vehicle operator permits; issuance of Administrative Conference identification cards; career counseling; training needed by an individual, including enrollment individual development plans, counseling, and determinations under the upward mobility, executive development, student trainee, and worker trainee programs; executive inventory records sheets; written requests for information on employment from creditors, financial institutions, etc.; beneficiary designations for unpaid compensation; schedules, tabulations, lists, and organizational charts which contain personal information; Congressional correspondence; and related information.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used in-house and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see Appendix below. Categories of users are appropriate ACUS and GSA personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders in metal file cabinets.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely.

System manager(s) and address:

General Services Administration,
2100 M Street, N.W.,
Room 155, Washington, D.C. 20405.
Executive Director, Administrative Conference of the United States,
2120 L Street, N. W., Suite 500,

Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

Appendix to Notice of Systems ACUS 5 and 6

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, 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. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency 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. A record from this system of records may be disclosed 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 reporting of an investigation of an employee, the letting of a contract, or 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 in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

7. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

[FR Doc.75-27499 Filed 10-8-75;11:58 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Privacy Act Notices To Accompany Certain Government Forms Addressed and Delivered to Individuals

5 U.S.C. 552a(e)(3), as added by section 3 of the Privacy Act of 1974, requires that individuals who supply information to agencies on their forms, be informed of the authority for soliciting the information; and the purpose of, uses for, and effect of not providing the information. Such advice shall be provided on the forms on which the information is to be entered, or separately. Section 7 of the Privacy Act requires similar disclosures to individuals with respect to the solicitation of their social security account numbers.

Certain Bureau of Government Financial Operations forms require individuals to supply information, including social security numbers in some instances. Until these forms are revised to include the necessary advice to individuals, Government departments and agencies, Federal Reserve Banks, and financial organizations which deliver the following prescribed forms to individuals, shall be responsible for the preparation and inclusion with each such form, of a supplemental notice, identified as a Privacy Act requirement, containing the language set forth hereinafter. The required notices are grouped by those forms requiring the identical language.

GROUP 1

Standard Form 231—Power of Attorney by Individual for the Collection of Checks Drawn on the United States Treasury.

Standard Form 232—Power of Attorney by Individual for the Collection of a Specified Check Drawn on the United States Treasury.

Standard Form 233—Power of Attorney by Individual to a Bank for the Collection of Checks Drawn on the United States Treasury.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 5 U.S.C. 301 and 31 CFR 240.12 for the purpose of providing authority to a person whom you designate as your attorney-in-fact to receive, endorse, and collect Treasury checks payable to you. The information requested is for identification of the parties named and failure to execute the instrument will prevent the negotiation of your Treasury checks by your attorney-in-fact.

GROUP 2

Standard Form 1034—Public Voucher for Purchases and Services Other Than Personal.

Standard Form 1034-A—Public Voucher for Purchases and Services Other Than Personal.

Standard Form 1129—Reimbursement Voucher.

Stanaard Form 1129-A—Reimbursement Voucher-Memorandum.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

GROUP 3

Standard Form 1189—Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial organization.

Standard Form 1198—Request by Employee for Allotment of Pay for Credit to Savings Account With a Financial organization.

Standard Form 1199—Authorization for Deposit of Social Security Payments.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). All information requested on the form including the social security number, is confidential and is required under various provisions in title 31 U.S.C., including section 492 thereof, and 31 CFR Parts 209 and 210 to direct your payments to your financial organization. The information provided by you will be used for identification with the records of the program agency and the financial organization in order to direct your payments to the point you authorize. Failure to provide the requested information may affect or preclude the direct deposit of your payments.

GROUP 4

Standard Form 1177—U.S. Savings Bonds Issue File Action Request.

Standard Form 1192—U.S. Savings Bonds Authorization for Purchase and Request for Change.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The furnishing of social security numbers is required by the regulations governing savings bonds, Treasury Department Circular No. 530, 31 CFR 315. The numbers are used to maintain ownership records of the bonds. Other information requested by this form is also required under the above regulations to establish the rights, authority and/or entitlement of the signers. Failure to furnish any of the requested information may prevent completion of the transaction.

GROUP 5

TFS 3023 (formerly TUS 3023 and GFO 3023)—Specimen signature.

TUS 5582—Signature Card.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 31 U.S.C. 82b to identify the accredited official for disbursing operations. Failure to provide the information requested may affect the accreditation of the individual.

GROUP 6

TFS 2244 (formerly TUS 2244 and GFO 2244)—Undertaking of Indemnity—Substitute Checks.

TFS 2244A (formerly TUS 2244A)—Application to Obtain the Issuance of a Substitute Check (or Checks) Without the Execution of an Undertaking of Indemnity.

TUS 2244B—Undertaking of Indemnity—Substitute Checks.

TUS 2244G—Application to Obtain Substitute Check by Resident of Foreign Country.

TUS 2244H—Affidavit by Individual Surety.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). All information requested is specifically required by 31 U.S.C. 528. The completed form may be used to provide indemnification against loss to the United States in the issuance of a substitute check(s). If all information is not furnished, the issuance of the check(s) may be delayed.

Dated: October 10, 1975.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27988 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART VII:

OFFICE OF THE FEDERAL REGISTER

■

PRIVACY ACT PUBLICATIONS

Table of Dates and Pages

FEDERAL REGISTER PRIVACY ACT PUBLICATIONS

Table of Dates and Pages

Following is a table of Federal Register Privacy Act publications up to and including October 10, 1975. Documents are listed alphabetically by agency name, with the type of document and its date, page, and part (if applicable) of the Federal Register indicated.

System location: 2ACTION—

System location: 3Proposed rules (45 CFR Part 1224); 8-27, Part II, Sec. 4

System location: 439434

System location: 3Notices; 8-27, Part II, Sec. 3

System location: 439085

System location: 3Notices, correction; 9-10, Part II

System location: 442113

System location: 3Notices; 9-26, Part IV

System location: 444530

System location: 2ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—

System location: 3Proposed rules (5 CFR Part 1705); 10-3, Part IV

System location: 446062

System location: 3Notices; 10-3, Part IV

System location: 446064

System location: 2ADVISORY COMMITTEE ON FEDERAL PAY—

System location: 3Notices; 9-8, Part VII

System location: 441730

System location: 2AGENCY FOR INTERNATIONAL DEVELOPMENT—

System location: 3Proposed rules (22 CFR Part 215); 8-27, Part III

System location: 439449

System location: 3Rules (22 CFR Part 215); 10-2, Part II

System location: 445679

System location: 3Notices; 8-27, Part III

System location: 439463

System location: 3Notices; 10-2, Part II

System location: 445768

System location: 2AGRICULTURE DEPARTMENT—

System location: 3Proposed rules (7 CFR Part 1); 8-4

System location: 432756

System location: 3Proposed rules, exemptions (7 CFR Part 1); 9-4

System location: 440849

System location: 3Rules (7 CFR Part 1); 8-28

System location: 439519

System location: 3Rules, internal directives (7 CFR Part 1); 9-26, Part IV

System location: 444480

System location: 3Rules, exemptions (7 CFR Part 1); 9-30, Part IV

System location: 445103

System location: 3Notices; 8-27, Part II, Sec. 2

System location: 438897

System location: 3Notices; 9-19, Part V

System location: 443466

System location: 2AMERICAN BATTLE MONUMENTS COMMISSION—

System location: 3Proposed rules (36 CFR Part 407); 8-27, Part II, Sec. 4

System location: 439379

System location: 2ARMS CONTROL AND DISARMAMENT AGENCY—

System location: 3Proposed rules (22 CFR Parts 603, 604, 606); 8-28, Part II

System location: 439663

System location: 3Notices; 8-28, Part II

System location: 439665

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System location: 3Proposed rules (1 CFR Part 415); 8-29, Part V

System location: 440047

System location: 3Notices; 8-29, Part V

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System location: 2CENTRAL INTELLIGENCE AGENCY—

System location: 3Proposed rules (32 CFR Part 1901); 8-28, Part II

System location: 439775

System location: 3Rules (32 CFR Part 1901); 10-1, Part III

System location: 445322

System location: 3Notices; 8-28, Part II

System location: 439778

System location: 3Notices, adoption; 10-1, Part III

System location: 445325

System location: 2CIVIL AERONAUTICS BOARD—

System location: 3Proposed rules (14 CFR Parts 310a, 385); 7-18

System location: 430283

System location: 3Rules (14 CFR Parts 310a, 385); 9-30, Part IV

System location: 445103

System location: 3Notices; 8-6, Part V

System location: 433181

System location: 3Notices, additional; 9-3, Part IV

System location: 440782

System location: 3Notices, correction; 9-30, Part IV

System location: 445107

System location: 3Notices, adoption; 9-30, Part IV

System location: 445107

System location: 2CIVIL RIGHTS COMMISSION—

System location: 3Proposed rules (45 CFR Part 706); 9-3, Part IV

System location: 440783

System location: 3Rules (45 CFR Part 706); 10-2, Part II

System location: 445727

System location: 3Notices; 9-3, Part IV

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System location: 2U.S. INFORMATION AGENCY—
System location: 3Proposed rules (22 CFR Part 505); 8-27, Part II, Sec. 4
System location: 439430
System location: 3Notices; 8-27, Part II, Sec. 4
System location: 439335
System location: 2U.S. RAILWAY ASSOCIATION—
System location: 3Proposed rules (49 CFR Part 932); 8-28, Part II
System location: 439803
System location: 3Rules (49 CFR Part 932); 10-2, Part II
System location: 445734
System location: 3Notices; 10-10, Part VI
System location: 447993
System location: 2VETERANS ADMINISTRATION—
System location: 3Proposed rules (38 CFR Part 1); 6-27
System location: 427261
System location: 3Rules (38 CFR Part 1); 8-12, Part IV
System location: 433944
System location: 3Rules (38 CFR Part 0); 10-6, Part VI
System location: 446286
System location: 3Notices; 8-26, Part III, Sec. 2
System location: 438095
System location: 3Notices, internal employee procedures; 9-25, Part IV
System location: 444298
System location: 3Notices, adoption; 10-10, part VI
System location: 447980
System location: 2WATER RESOURCES COUNCIL—
System location: 3Proposed rules (18 CFR Part 701); 8-27, Part II, Sec. 4
System location: 439438
System location: 3Rules (18 CFR Part 701); 10-2, Part II
System location: 445675
System location: 3Notices; 8-27, Part II, Sec. 3
System location: 439231
System location: 3Notices, correction; 9-4
System location: 440886

NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

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