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highlights

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The Federal Register's Privacy Act Digest will be available on or about January 12, 1976. Executive agencies may obtain copies only by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office by December 23, 1975, or by purchase from the Superintendent of Documents. Requisitions should refer to Jacket number 599-056.

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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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 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14885; Amdt. 39-2474]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D, and 810 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an electrical back-up propeller feathering system to the manual propeller feathering system on British Aircraft Corporation Viscount Models 744, 745D and 810 airplanes was published in the FEDERAL REGISTER on August 6, 1975, (40 FR 33051).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

BRITISH AIRCRAFT CORPORATION. Applies to British Aircraft Corporation (BAC) Viscount Models 744, 745D and 810 airplanes, certificated in all categories.

Compliance is required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of propeller feathering, install an electrical back-up to the primary manual feathering system in accordance with the instructions contained in BAC Bulletin-For-Modification No. FG.2122, dated February 11, 1972, (for Viscount Model 810 airplanes), or BAC Bulletin-For-Modification No. D.3245, dated February 11, 1972 (for Viscount Models 744 and 745D airplanes), as appropriate, or an equivalent of either approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, FAA-American Embassy, APO New York 09667.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

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

[FR Doc. 75-34076 Filed 12-17-75;8:45 am]

[Docket No. 14849; Amdt. 39-2473]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd. DH-104 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the adjusting screws of the nose gear and main gear on Hawker Siddeley Aviation Ltd. DH-104 airplanes was published in the FEDERAL REGISTER on August 1, 1975, (40 FR 32342).

Interested persons have been afforded the opportunity to participate in the making of the amendment. No objections were received.

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

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

HAWKER SIDDELEY AVIATION LTD. Applies to DH-104 Series airplanes certificated in all categories except those modified in accordance with Hawker Siddeley Modification 1723.

Compliance is required within the next 250 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent cracking of the nose gear and main gear adjusting screws, replace the three adjusting screws, P/N 4U.493, with new adjusting screws, P/N 4U.567, in accordance with paragraph No. 5 of Hawker Siddeley Technical News Sheet No. 231, dated March 19, 1973, or with FAA-approved equivalent parts and procedure.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

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

[FR Doc.75-34077 Filed 12-17-75;8:45 am]

[Docket No. 14868; Amdt. 39-2475]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd., DH-114 Series Airplanes

A proposal to amend the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the nose gear adjusting screw with an improved part on Hawker Siddeley Aviation Ltd., DH-114 series airplanes was published in the FEDERAL REGISTER on August 5, 1975, (40 FR 32837).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

HAWKER SIDDELEY AVIATION. Applies to DH-114 series airplanes certificated in all categories except those modified in accordance with Hawker Siddeley Modification 1610.

Compliance required within the next 400 hours' time in service after the effective date of this AD unless already accomplished.

To prevent cracking of the nose gear adjusting screw, replace P/N 4U.493 with P/N 4U.567 in accordance with paragraph No. 5 of Hawker Siddeley Technical News Sheet No. U.16, dated March 19, 1973, or with an FAA-approved equivalent part and procedure.

This amendment becomes effective on January 19, 1976.

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

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

[FR Doc.75-34075 Filed 12-17-75;8:45 am]

[Docket No. 14870; Amdt. 39-2478]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft Limited Model PC-6 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of aluminum fuel line and elbow fittings with stainless steel parts on Pilatus Model PC-6 airplanes manufactured by Pilatus Aircraft Ltd. was published in the FEDERAL REGISTER on August 5, 1975 (440 FR 32838).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

PILATUS AIRCRAFT LTD. Applies to Pilatus Model PC-6 airplanes, serial numbers 685 and below (all variants) manufactured by Pilatus Aircraft Ltd., powered by Lycoming GSO-480-B1A6 engines.

NOTE: This AD does not apply to Pilatus PC-6 airplanes manufactured by Fairchild Hiller.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hazardous fuel leaks from developing at the elbow fittings connecting the fuel line to the fuel pump and carburetor and to prevent a broken fuel line, accomplish the following:

(a) Replace aluminum fittings (AN 822-8D and AN 823-8D) with stainless steel fittings (MS 20822-8C and MS 20823-8C), or FAA-approved equivalents.

(b) Replace aluminum fuel line P/N 6238.-0094.80 with a stainless steel fuel line P/N 6238.0094.80C, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

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

[FR Doc.75-34072 Filed 12-17-75;8:45 am]

[Docket No. 14818; Amdt. 39-2477]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Alouette II and Alouette III Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection, repair, and replacement, as necessary, of the blade spars of the main rotor blades on certain Societe Nationale Industrielle Aerospatiale Alouette helicopters (S.N.I.A.S.) was published in the FEDERAL REGISTER on July 29, 1975, (40 FR 31806).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Alouette helicopter Models SE-3130, SE-313B, SA-3180, SA-318B, SA-318C, SA-315B, SE-3160, SA-316B, SA-319B, and SA-316C incorporating 3130 series main rotor blade(s) with serial number 9554 and lower, and 3160 series main rotor blade(s) with serial number 6999 and lower.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Lama Service Bulletin No. 01.04 for the Model SA-315B, or Alouette Service Bulletin No. 01.30 for the other designated models.

To prevent failure of the main rotor blades due to corrosion, inspect the blade spar in the section between the attachment fitting and root end rib for corrosion, repair as necessary, and return to service, in accordance with paragraphs 2 B(2), 2 B(3), 2 B(4) and 2 C of SGAC-approved Alouette Service Bulletin No. 01.30, as amended August 30, 1972, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective on January 19, 1976.

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

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

[FR Doc.75-34073 Filed 12-17-75;8:45 am]

[Docket No. 14882; Amdt. 39-2476]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA-341G "Gazelle" Helicopter

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the fuel system of the Aerospatiale Model SA-341G "Gazelle" helicopter was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33050).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA-341G "Gazelle" helicopters, certificated in all categories, serial numbers 1062 and lower, incorporating standard fuel tank P/N 341A.-55.1065.20, or .22 or .24.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Gazelle Service Bulletin No. 28.01.

To prevent interruption of fuel flow to the engine during execution of approved flight maneuvers, modify the fuel system to provide for increased fuel sump capacity and an improved booster pump location in accordance with subparagraph 2(B) of Gazelle Service Bulletin No. 28.01, as revised November 21, 1973, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

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

[FR Doc.75-34074 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WE-24]

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

Extension of Federal Airway

On November 6, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 51655) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 293 from Bryce Canyon, Utah, to Grand Canyon, Ariz., via the Page, Ariz., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

In V-293 "From Bryce Canyon, Utah;" is deleted and "From Grand Canyon, Ariz., via Page, Ariz.; INT Page 340° and Bryce Canyon, Utah., 120° radials; Bryce Canyon;" is substituted therefore.

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

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34079 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WA-19]

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

Renumbering of Airway Segments

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber certain segments of airways which cross the United States/Canadian border.

The Canadian Ministry of Transport has asked that the United States portion of alternate airway segments, going to/from Canada, be renumbered. It is nec-

essary that this action be effective March 25, 1976, at the same time that all alternate airways in Canada are renumbered.

Because this action merely renumbers existing routes without changing any airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

a. In V-14 "Buffalo, N.Y. including a N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 259° radials;" is deleted and "Buffalo;" is substituted therefor.

b. In V-31 "Rochester." is deleted and "Rochester; INT Rochester 289° and Kleinburg, Ont., 133° radials; Kleinburg. The airspace within Canada is excluded." is substituted therefor.

c. In V-34 "Rochester, including a south alternate via INT of Kleinburg 133° and Rochester 289° radials;" is deleted and "Rochester;" is substituted therefor.

d. In V-36, all before "Elmira, N.Y.;" is deleted and "From Sault Ste Marie, Mich., to the INT of the Sault Ste Marie 110° radial and the United States/Canadian border. From Toronto, Ont., via INT Toronto 141° and Buffalo, N.Y., 312° radials; Buffalo;" is substituted therefor.

e. In V-42 "Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134° and Akron 312° radials." is deleted and "to Akron, Ohio," is substituted therefor.

f. In V-43 "to Erie, Pa." is deleted and "Erie, Pa.; INT Erie 043° and Buffalo, N.Y., 259° radials; to Buffalo." is substituted therefor.

g. In V-60 "Dunkirk, including a N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont." is deleted and "Dunkirk." is substituted therefor.

h. In V-164 "From Buffalo, N.Y.," is deleted and "From Toronto, Ont., via Toronto 141° and Buffalo, N.Y. 312° radials; Buffalo;" is substituted therefor. Also "The airspace within Canada is excluded." is added after "East Texas."

i. In V-218 all after "Pontiac, Mich.;" is deleted and "INT Pontiac 112° and Windsor, Ont., 320° radials; Windsor; INT Windsor 134° and Akron, Ohio, 312° radials; to Akron. The airspace within Canada is excluded." is substituted therefor.

j. In V-300 "Wiarton, Ontario, Canada, including a N alternate." is deleted and "to Wiarton, Ont., Canada." is substituted therefor.

k. V-464 is amended to read as follows: "From the INT of Windsor, Ont., Canada, 083° and Aylmer, Ont., Canada, 235° radials, via Aylmer; Dunkirk, N.Y.; to Geneseo, N.Y."

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

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34080 Filed 12-17-75;8:45 am]

[Docket No. 15243; Amdt. No. 999]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective January 29, 1976.*

Bishop, CA—Bishop Arpt., VOR-A, Amdt. 1
Clinton, OK—Clinton-Sherman Arpt., VOR Rwy 35, Amdt. 2
Concord, CA—Buchanan Field, VOR Rwy 19R, Amdt. 7
Demopolis, AL—Demopolis Muni. Arpt., VOR/DME-A, Original
Ellensburg, WA—Bowers Field, VOR-B, Original
Fallon, NV—Fallon Muni. Arpt., VOR/DME-B, Amdt. 1
Fort Bridger, WY—Fort Bridger Arpt., VOR-A, Amdt. 2
Frederick, MD—Frederick Muni. Arpt., VOR Rwy 23, Amdt. 4
Idaho Falls, ID—Fanning Field, VOR Rwy 21, Amdt. 3
Knoxville, TN—McGhee-Tyson Arpt., VOR Rwy 22R, Original
Lexington, NC—Lexington Muni. Arpt., VOR/DME-A, Original
Marion, IL—Williamson County Arpt., VOR-A, Original
Nashville, TN—Nashville Metro. Arpt., VOR Rwy 31, Amdt. 23
Salina, KS—Salina Muni. Arpt., VOR Rwy 17 (TAC), Amdt. 9
San Antonio, TX—Stinson Muni. Arpt., VOR Rwy 32, Amdt. 8
San Francisco, CA—San Francisco Int'l Arpt., VOR Rwy 19L, Amdt. 3
Swainsboro, GA—Emanuel County Arpt., VOR-A, Amdt. 1
Unalakleet, AK—Unalakleet Arpt., VOR-C, Amdt. 2
Unalakleet, AK—Unalakleet Arpt., VOR/DME-A, Amdt. 3
Unalakleet, AK—Unalakleet Arpt., VOR/DME-D, Original

. . . *effective January 15, 1976.*

Springtown, TX—Springtown Arpt., VOR/DME Rwy 17, Original, cancelled

. . . *effective December 25, 1975.*

Valdosta, GA—Valdosta Muni. Arpt., VOR Rwy 35, Amdt. 22

. . . *effective December 9, 1975.*

Pell City, AL—St. Clair County Arpt., VOR-A, Amdt. 4

. . . *effective December 4, 1975.*

Madison, GA—Madison Muni. Arpt., VOR/DME-A, Amdt. 3

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 29, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC(BC) Rwy 14 R, Amdt. 3, cancelled
Clinton, OK—Clinton-Sherman Arpt., LOC (BC) Rwy 17, Amdt. 2
Nashville, TN—Nashville Metro. Arpt., LOC Rwy 31, Amdt. 2
Nome, AK—Nome Arpt., LOC Rwy 27, Amdt. 2

. . . *effective December 25, 1975.*

Valdosta, GA—Valdosta Muni. Arpt., LOC Rwy 35, Amdt. 1, Cancelled

. . . *effective December 9, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., LOC Rwy 5, Amdt. 6

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 29, 1976.*

Adrian, MI—The Lenawee County Arpt., NDB Rwy 5, Amdt. 3
Chicago, IL—Chicago Midway Arpt., NDB Rwy 4R, Amdt. 6
Clinton, OK—Clinton-Sherman Arpt., NDB Rwy 17, Amdt. 2
Idaho Falls, ID—Fanning Field, NDB Rwy 21, Amdt. 3
Mattoon-Charleston, IL—Coles County Memorial Arpt., NDB Rwy 29, Amdt. 1
Petersburg, AK—Petersburg Arpt., NDB-A, Amdt. 2
Phillipsburg, KS—Phillipsburg Muni. Arpt., NDB Rwy 31, Amdt. 3
Salina, KS—Salina Muni. Arpt., NDB Rwy 35, Amdt. 7
San Francisco, CA—San Francisco Int'l Arpt., NDB Rwy 19L, Amdt. 6
Unalakleet, AK—Unalakleet Arpt., NDB-B, Amdt. 1

. . . *effective January 8, 1976.*

Fort Dodge, IA—Fort Dodge Munt. Arpt., NDB Rwy 6, Amdt. 1

. . . effective December 25, 1975.

Knoxville, TN—McGhee Tyson Arpt., NDB Rwy 4L, Original
Murray, KY—Murray-Calloway County Arpt., NDB Rwy 23, Original

. . . effective December 9, 1975.

Anniston, AL—Anniston-Calhoun County Arpt., NDB Rwy 5, Amdt. 12

. . . effective December 8, 1975.

Jessup, GA—Jessup-Wayne County Arpt., NDB Rwy 10, Amdt. 1

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 29, 1976.*

Chicago, IL—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 2
Clinton, OK—Clinton-Sherman Arpt., ILS Rwy 35, Amdt. 2
Dayton, OH—James M. Cox-Dayton Muni. Arpt., ILS Rwy 18, Amdt. 3
Idaho Falls, ID—Fanning Field, ILS Rwy 21, Amdt. 2
Mattoon-Charleston, IL—Coles County Memorial Arpt., ILS Rwy 29, Amdt. 1
Mobile, AL—Bates Field, ILS Rwy 32, Amdt. 1
Salina, KS—Salina Muni. Arpt., ILS Rwy 35, Amdt. 9
San Francisco, CA—San Francisco Int'l Arpt., ILS Rwy 19L, Amdt. 11
Seattle, WA—Seattle-Tacoma Int'l Arpt., ILS Rwy 16R, Amdt. 4

. . . effective January 8, 1976.

Fort Dodge, IA—Fort Dodge Muni. Arpt., ILS Rwy 6, Original

. . . effective December 25, 1975.

Knoxville, TN—McGhee-Tyson Arpt. ILS Rwy 4L, Original
Valdosta, GA—Valdosta Muni. Arpt., ILS Rwy 35, Original

. . . effective December 9, 1975.

St. Paul, MN—St. Paul Downtown Holman Field, MLS Rwy 30 (Interim) Amdt. 1

. . . effective December 8, 1975.

Bakersfield, CA—Meadows Field, ILS Rwy 30R, Amdt. 21

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 29, 1976.*

Nashville, TN—Nashville Metro. Arpt., RADAR-1, Amdt. 15

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 29, 1976.*

Salina, KS—Salina Muni. Arpt., RNAV Rwy 17, Amdt. 2

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

Issued in Washington, D.C., on December 11, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

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

[FR Doc.75-34081 Filed 12-17-75;8:45 am]

Title 9—Animals and Animal Products

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

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

• **Purpose: To revise the test procedures for testing live vaccines for purity.** •

On November 6, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 51646.

Bacterial or fungicidal contamination of live virus vaccines is detected by using the test procedures prescribed in § 113.27. The authorized retests using only 10 samples creates a doubt as to the accuracy of the results obtained. This doubt is eliminated for all practical purposes when 20 samples are used as provided for in these amendments.

The test for bacterial contamination prescribed in § 113.26 for use in testing for bacteria in products other than live virus vaccines calls for incubation for 14 days. The test in § 113.27 calls for incubation for only 7 days. Experience has shown that some bacterial contamination is not determined until the second week of incubation. These amendments increase the incubation period to 14 days in § 113.27 to conform to the requirements in § 113.26.

These amendments change the requirements of the diluent to be used in the test from "sterile distilled water" to "sterile purified water." This change permits the use of water which has been purified by means other than distillation.

Comments were received from four licensees. Two recommended publication in final form as proposed and the other two recommended relaxation of the test by changing either the conditions for a satisfactory test or for a retest. The recommended changes could not be justified and were rejected.

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

§ 113.27 is amended by revising paragraphs (a)(3)(ii), (a)(4), (a)(7)(i) and (ii), (c)(1), (d)(2), (d)(2)(i), (ii) and (vii), and adding a new paragraph d)(2)(viii) to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

* * * * *

(a) * * *

(3) * * *

(ii) Desiccated vaccine shall be rehydrated as recommended on the label with the accompanying diluent or with sterile purified water.

(4) To test for bacteria, 0.2 ml of vaccine from each final container sample shall be placed into a corresponding individual vessel containing a minimum of 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 30° to 35° C for 14 days.

* * * * *

(7) * * *

(i) If growth is found in two or three test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test or 19 or 20 of the test vessels in the retest, the serial or subserial meets the requirements of the test.

* * * * *

(c) * * *

(1) To test for bacteria, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

* * * * *

(d) * * *

(2) Test procedures in this paragraph shall be followed.

(i) Ten final container samples of completed product from each serial and each subserial shall be tested using the medium prescribed in paragraph (d)(1) of this section.

(ii) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1000 doses.

* * * * *

(vii) If the average count at either incubation condition for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, one retest to rule out faulty technique may be conducted using 20 unopened final containers.

(viii) If the average count at either incubation condition of the final test for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

(37 Stat. 832-833; 21 U.S.C. 151-158)

Effective date: These amendments take effect January 19, 1976.

Done at Washington, DC, this 15th day of December, 1975.

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

[FR Doc.75-34145 Filed 12-17-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

Voluntary Certification of Certain Rendered Animal Fats for Export

● Purpose. The purpose of this document is to establish a program for certifying certain rendered animal fat for export. ●

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624) the Animal and Plant Health Inspection Service hereby promulgates new regulations, to appear in 9 CFR Part 351, providing for certification, upon a voluntary fee basis, of the class and quality of certain rendered animal fats for export to foreign countries.

Statement of considerations. In response to changes in some foreign countries' requirements regarding the source materials of rendered animal fats they import, the Department of Agriculture is establishing, by these regulations, a new voluntary export certification program. This program is designed to facilitate this U.S. export trade by providing certification as to the source materials of certain rendered animal fats.

Therefore, the Table of Contents for Title 9, Chapter III, Subchapter B, is amended to show a new Part 351, and regulations to appear in Part 351 are issued to read as follows:

DEFINITIONS

Sec.
351.1 Meaning of words.
351.2 Terms defined.

SCOPE OF CERTIFICATION SERVICE

351.3 Kind of service.

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

351.4 Application for certification service.
351.5 Conditions of eligibility for certification service; review of applications.
351.6 Official number.
351.7 Administration of certification service program.

FEES

351.8 Charges for surveys of plants.
351.9 Charges for examinations.

FACILITIES AND OPERATIONS

351.10 Facilities.
351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.
351.12 Circuit supervisor to be informed when plant operates.
351.13 Inspectors to have access to certified plants at all times.
351.14 Processes to be supervised; extent of examinations.
351.15 Reports of violations.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

351.16 Certificate required for shipments of technical animal fat.
351.17 Identification required.

PROHIBITIONS

351.18 Official identifications; unauthorized use.

REMEDIES; PENALTIES

351.19 Refusal of certification for specific lots.
351.20 Withdrawal of service from certified plants.

APPEALS

351.21 Appeals.

RECORDS AND REPORTS

351.22 Certified plants to maintain records and make reports; access to records.

AUTHORITY: (Sec. 203, 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622, 1624)

DEFINITIONS

§ 351.1 Meaning of words.

Words used in this Part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 351.2 Terms defined.

When used in this Part, unless the context otherwise requires:

(a) "Department" means the United States Department of Agriculture.

(b) "Program" means the Meat and Poultry Inspection Program of the Animal and Plant Health Inspection Service of the Department.

(c) "Administrator" means the Administrator of the Animal and Plant Health Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Circuit supervisor" means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) "Inspector" means an employee of the Program or a cooperating State.

(f) "Circuit" means one or more inspected plants assigned to a circuit supervisor.

(g) "Recognized State" means any State not designated in § 331.2 of this chapter.

(h) "Cooperating State" means any State cooperating under § 351.7 in administration of the regulations in this Part.

(i) "Inspection" means ante-mortem and post-mortem inspection by Program inspectors or inspectors of a Meat Inspection Service of a recognized State.

(j) "Animals" means cattle, sheep, swine, goats, horses, mules and other equines.

(k) "Technical animal fat" means animal fat eligible for exportation, or storage for exportation, in accordance with § 325.11 of this chapter.

(l) "Certified technical animal fat" means technical animal fat certified for export or storage for export under the regulations in this Part.

(m) "Tallow" means technical animal fat with a minimum titre of 40°C.

(n) "Certified plant" means any plant or storage facility preparing or storing certified technical animal fat for export, or for transfer to another certified plant or storage facility for ultimate export, and at which certification service is provided under the regulations in this Part.

(o) "Inspected and Passed" means inspected and passed under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or the meat inspection laws of a recognized State.

SCOPE OF CERTIFICATION SERVICE

§ 351.3 Kind of service.

(a) Certification, in the form set forth in paragraph (b), is available under the regulations in this Part for specific lots of technical animal fat for export, if the fat was rendered from materials derived from carcasses, or parts of carcasses, that had been inspected and passed and came from animals that did not die otherwise than by slaughter under inspection. The certification will be made by a Program employee when he determines, upon the basis of examinations made by him or other inspectors, as provided in § 51.14, and information obtained by him or them from the exporter or other sources, as provided in the regulations in this Part, that the technical animal fat is eligible for certification under this section and therefore the statements to be certified are correct. The service will be available upon a voluntary fee basis in accordance with said regulations.

(b) (1) The form of Certificate for Export of Technical Animal Fats is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

CERTIFICATE FOR EXPORT OF TECHNICAL ANIMAL FATS

1. KIND OF PRODUCT
2. NET WEIGHT OF PRODUCT (From Bill of Lading)
3. NAME AND ADDRESS OF PLANT MAKING SHIPMENT
4. NAME AND ADDRESS OF TRANSPORTING COMPANY
CERTIFIED PLANT NO.
5. NAME OF VESSEL
6. COUNTRY OF DESTINATION
7. VESSEL NUMBER
8. NAME OF CITY WHERE LOADED
9. DATE LOADED

The Undersigned Certifies in Accordance With 9 CFR 351.3 That:

a. The product described above has been obtained by rendering raw materials, none of which were diseased, suspected of being diseased, or from dead animals.

b. The product covered by this certification has not been rendered under the continuous Federal inspection provided in the Federal Meat Inspection Act. For compliance with this certification, the plant equipment, plant conditions, and processing operations of the rendering plant(s) supplying the product certified by this certification are subject to Federal inspection on a periodic basis as authorized by the Agricultural Marketing Act and regulations thereunder (*9 CFR Part 331*).

10. ISSUED AT (*Name of City*)
11. DATE ISSUED
12. SIGNATURE OF USDA INSPECTOR

MP FORM 87
NOV. 1975

(2) Certified technical animal fat may be described on the certificate as "technical animal fat"; or if it is tallow, it may be described on the certificate as "Tallow" and the description may include the statement "titre not less than 40° C."

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

§ 351.4 Application for certification service.

Application for certification service under the regulations in this Part may be made to the Administrator by the operator of any rendering plant or storage facility at which technical animal fat is prepared or stored for export. In case of a change of ownership or change of location, a new application shall be made. Applications shall be made on forms [1] available from the Administrator and provide all information called for thereon relating to the identity of the applicant and the plant, and the nature of the plant operations, and a certification of specified facts and an agreement to comply with specified requirements.

§ 351.5 Conditions of eligibility for certification service; review of applications.

(a) To be eligible for certification service under the regulations in this Part, the operator of a rendering plant must demonstrate that:

(1) He operates a rendering plant which will receive materials derived from inspected and passed carcasses, or parts of carcasses, of animals that did not die otherwise than by slaughter under inspection, (i.e., not "dead animals"); and such source materials will be rendered at the plant into technical animal fat eligible for export, or storage for export, in accordance with the regulations in this Part;

(2) The source materials and the rendered technical animal fat described in subparagraph (1) will be identified and kept separated at all times from other products; and

(3) He will comply with the applicable regulations in this Part.

(b) To be eligible for certification service under the regulations in this Part, the operator of a storage facility must demonstrate that:

(1) He operates a storage facility that will receive for storage certified technical animal fat shipped directly from a certified rendering plant for storage for export and he will keep each such shipment identified and separated from other such shipments, and from other products that are not certified, and he will receive such fat only if it is accompanied by MP Form 85, as required by § 351.17.

(2) He will comply with the applicable regulations in this Part.

(c) Each applicant for certification service must file with the Administrator, with the application for service, a written description of the procedures to be used for receiving, identifying, processing, storing, and otherwise handling technical animal fat, and materials for use in the preparation thereof, at the plant or storage facility involved, and for shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

FEES

§ 351.8 Charges for surveys of plants.

Applicants for the certification service shall pay the Department for salary costs at $12.40 per hour, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

(a) The hourly fees to be charged and collected by the Administrator shall be $12.40 per hour for examinations, as provided for in § 351.14, and $19.20 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

FACILITIES AND OPERATIONS

§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such

[1] Copy filed as part of the original document.

articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

§ 351.12 Circuit supervisor to be informed when plant operates.

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(b) Supervision, ranging from fulltime coverage of an entire process to one or more reviews per month, to determine a plant's compliance with the regulations in this Part will be maintained. A circuit supervisor may increase the frequency of reviews whenever he deems necessary to assure the validity of certifications under the regulations in this Part. Usual coverage of individual rendering plants will be as follows:

(1) Coverage shall be at least once a month if the plant consistently handles only raw materials acceptable under § 351.3 for the preparation of certified technical animal fat and the plant operator, in writing, certifies that he is maintaining this procedure.

(2) Coverage shall be at least once a week if the plant consistently handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, uses separate equipment for processing, and uses separate rooms, compartments, and equipment for receiving and storing the respective types of raw materials and technical animal fats, and the plant operator, in writing, certifies that he is maintaining this complete physical separation procedure.

(3) Coverage shall be fulltime during receiving of raw materials and their preparation into certified technical animal fat, if the plant handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, and uses the same rooms, compartments, and equipment, with only time separation between receiving, processing, and storing the respective types of raw materials and technical animal fats.

§ 351.15 Reports of violations.

Inspectors shall report to the circuit supervisor any apparent violations of the regulations in this Part or the Federal Meat Inspection Act or regulations thereunder (subchapter A of this chapter) which occur at certified plants, or elsewhere, within their knowledge. The circuit supervisor shall report such actions to the Administrator through appropriate channels.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

§ 351.16 Certificate required for shipments of technical animal fat.

No certified plant shall export any certified technical animal fat unless the shipment is accompanied by a certificate issued under § 351.3.

§ 351.17 Identification required.

Certified technical animal fats being exported directly from a certified plant or transferred between certified plants for storage for export are subject to the requirements of § 325.11 of this chapter. In addition, such shipments between certified plants shall be accompanied by MP Form 85 (Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants)[1] prepared by the operator of the certified plant from which shipment is made, certifying that the product has been obtained by rendering raw materials derived from federally or State inspected and passed carcasses, or parts of carcasses. Technical animal fat described on MP Form 85 as tallow must meet the definition of "Tallow" in § 351.2.

PROHIBITIONS

§ 351.18 Official identifications; unauthorized use.

(a) The form of certification set forth in § 351.3 and the term "Certified Technical Animal Fat" are official identifications for purposes of the Agricultural Marketing Act of 1946, as amended, and shall not be falsely made, issued, altered, forged, or counterfeited, or used for purpose of misrepresentation or deception.

(b) No container which bears or is to bear any designation as certified technical animal fat shall be filled in whole or in part, except with technical animal fats which have been certified and identified in compliance with this Part.

REMEDIES: PENALTIES

§ 351.19 Refusal of certification for specific lots.

If an inspector has reason to believe that a lot of technical animal fat is ineligible for certification under § 351.3, or any materials to be used in a lot of technical animal fat would make the technical animal fat ineligible for such certification, certification of the lot shall be withheld pending final determination by the circuit supervisor. The operator of the plant shall be afforded an opportunity to demonstrate the eligibility of the lot for certification before the final determination is made.

§ 351.20 Withdrawal of service from certified plants.

(a) After opportunity for hearing has been accorded the operator of a certified plant, the certification service, provided for in this Part, may be withdrawn from such plant in accordance with the applicable rules of practice, if it is determined that:

(1) The operator, or his employee or agent:

(i) Has made any willful misrepresentation or engaged in any fraudulent or deceptive practice in connection with the service;

(ii) Has interfered with or obstructed any Program employee or other inspector in the performance of his duties, under the regulations in this Part, by intimidation, threats, or other improper means; or

(iii) Has violated section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622(h)), or any regulation in this Part; or

(2) Facilities or procedures at the certified plant do not conform to the arrangements approved by the Administrator under § 351.5.

(b) Pending final determination of the matter, the Administrator may summarily suspend the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a).

APPEALS

§ 351.21 Appeals.

Any decision by an employee of the Program may be appealed by any adversely affected person to the immediate supervisor of such employee. Decisions of other inspectors may be appealed to the circuit supervisor.

RECORDS AND REPORTS

§ 351.22 Certified plants to maintain records and make reports; access to records.

(a) Each day a certified plant prepares, receives, or ships certified technical animal fat or receives material for use in such product, the operator of the plant shall prepare records identifying

[1] Copy filed as part of the original document.

the kinds and quantities of such materials and technical animal fats received, the number of pounds of certified technical animal fat prepared or shipped, and an up-to-date inventory of certified technical animal fats in storage. The operator of each certified plant shall include in the records required by this section all MP Forms 85 which he receives with shipments of certified technical animal fat from any other certified plant. These records shall be maintained by the operator of each certified plant and made available to an inspector, upon request, for examination and copying, for a period of 1 year after the date of the transaction involved.

(b) The operator of each certified plant shall provide such relevant information as any inspector may request to enable him to determine whether any technical animal fats are eligible for certification and whether the plant is eligible for certification service under the regulations in this Part.

(Sec. 203, 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622, 1624; 37 FR 28464, 28478; 40 FR 50455)

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Since the regulations provide for a purely voluntary service which has been requested by certain exporters and the regulations should be made effective as soon as possible to be of maximum benefit to all exporters and domestic processors of the rendered animal fats for export and other affected persons, it is found upon good cause that notice and other public rulemaking proceedings in connection with issuance of the regulations are impracticable and unnecessary, and good cause is found for making the regulations effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing regulations shall become effective on January 5, 1976.

Done at Washington, D.C., on December 12, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-34090 Filed 12-17-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 543; Docket No. RM75-24]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reporting of Producer Expenditures and Activities

DECEMBER 10, 1975.

Continuing investigation of expenditures, exploration and development activities, production, reserve additions, and revenues of natural gas producers and producing affiliates subject to the jurisdiction of the Federal Power Commission.

Order requiring the reporting of producer expenditures, exploration and development activity, production, reserve additions and revenues.

In this proceeding we adopt rules and regulations providing for the systematic collection of data and information concerning producer and producer affiliate expenditures, exploration and development activities, reserve additions, production and revenue. All persons found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act[1] and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a)(2) of the Commission's Regulations, except as exempted herein, shall be required to file and attest to the information solicited in the attached report.

On March 13, 1975, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM75-24[2] pursuant to the Administrative Procedure Act (APA), 5 U.S.C. §-551 (1970) and Sections 4, 5, 8, 10, 14, 15, and 16 of the Natural Gas Act. In this notice the Commission proposed to amend its Rules by adding a section requiring the annual filing of a report containing data related to the abovementioned areas by each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act. The data was to be collected through completion of a standardized report form which was appended to the March 13, 1975, Notice of Proposed Rulemaking.

As proposed in the Notice of Rulemaking, FPC Form No. 64 contained three Schedules with attachments. As adopted, all Schedules will apply to the United States, excluding Alaska and Hawaii and will apply to Alaska separately. Schedule No. 1 will summarize total expenditures made by producers for exploration and development and production of oil and gas by type of reservoir. Schedule No. 2 is directed to data on exploration and development activity. Schedule No. 3 details production, revenue, royalty, and non-associated gas reserve data.[2a]

NEED FOR FORM NO. 64

The deepening national energy crisis and shortage of alternate domestic energy sources compels the Commission to undertake continuing broadly-based investigations of all facts and circumstances underlying the Commission's ratemaking functions established in Sections 4 and 5 of the Natural Gas Act. The logical starting point for any producer ratemaking determination made by the Commission is a consideration of the costs involved.[3] The importance of this element of a just and reasonable rate and the components thereof is discussed in our most recent determination of the nationwide rate.[4] Form No. 64 has been designed to provide us with information which will be extremely valuable in our biennial review of the Opinion No. 699-H nationwide rate for new gas and in determining possible adjustments to flowing gas prices.

Most importantly, Form No. 64 will provide a data source of information on producer expenditures, revenues, and leasing and drilling activity which is independently verifiable. Collection of this data and that to be submitted on Form Nos. 40[5] and 45[6] will permit us, in our biennial review, to rely primarily on information submitted directly to and auditable by the Commission rather than published data not open to close scrutiny.

Furthermore, no timely information on natural gas producer and producer affiliate expenditures, exploration and developmental activities, reserve additions, and revenues is collected by any Government agency on a comprehensive and correlated basis. The rules and regulations adopted herein will provide us with a continuous flow of current information to be used in evaluating the efficacy and consequences of rates established by the Commission.

FPC Form No. 64 requires submission of certain productivity data for the U.S. excluding Alaska and Hawaii for the past nine years, 1965–1973; and for Alaska for the year 1974 and thereafter. The importance of this type of information to a determination of productivity, a vital component of the costing methodology employed in Opinion No. 699-H, was set forth in Order No. 526 which promulgated Form No. 40. FPC Form No. 40, Annual Report Of Proved Domestic Gas Reserves, will provide productivity data for the initial report year and each subsequent year. The initial report of Form No. 64 will gather productivity data for several years prior to the report year of Form No. 40. Thereafter, Form No. 64 will not require productivity data (except for Alaska) so as not to duplicate Form No. 40.

Certain cost data for the U.S. excluding Alaska and Hawaii will be filed in the

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[1] § 2(6); 52 Stat. 822 (1938); 15 U.S.C. § 717b(6) (1970).

[2] 40 FR 12817.

[2a] Forms and schedules filed as part of the original document.

[3] *Texaco Inc.* v. *F.P.C.*, 417 U.S. 380 (1974).

[4] Opinion No. 699-H, Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing, Docket No. R-389-B (Issued December 4, 1974) (Hereinafter Opinion No. 699-H).

[5] Order No. 526, Natural Gas Companies Annual Report Of Proved Domestic Gas Reserves: FPC Form No. 40 Docket No. RM74-16 (Issued February 25, 1975) (Hereinafter Order No. 526).

[6] Order No. 521, Investigation of Rates Charged for Non-Jurisdictional Sales of Natural Gas by Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission, Docket No. RM74-12 (Issued January 9, 1975).

initial report for the years 1970–1974 and each year thereafter. Cost data for Alaska will be filed in the initial report for 1974 and each year thereafter.

COMMENTS

By our Notice of Proposed Rulemaking issued March 13, 1975, we requested submission of comments by any interested person no later than April 30, 1975. However, subsequent motions for additional time for submission of comments were filed by several parties. On April 23, 1975, we granted these motions and extended the date for filing to May 14, 1975. Fifty-four parties filed extensive comments which we have carefully considered. We have reached our decision weighing our need to know gas producer expenditures and revenue, together with leasing and drilling activity in order to discharge our statutory duty of ratemaking, against a full knowledge of the reporting burden placed upon industry.

This reporting burden is one area in which we received numerous comments. Most of the respondents stated that they would need from four to six months to complete and file Form No. 64 based upon the proposed requirement of ten years of prior data and data by the six production areas. Generally, small producers claimed that the financial burden, limited staff and detailed records make Form No. 64 an impossible task for small exploration and production companies.

With respect to the 10-year data requirement, several large producers stated that they did not retain data for more than five years while other producers indicated a shorter retention period. We recognize the problem of record unavailability. In order to secure complete cost and productivity data for eventual pricing, we are adopting the proposed 10-year requirement with respect to productivity data[*] and are revising the reporting period for cost data to five years. This accommodation, the Commission believes, will still enable us to utilize data contained in the initial report year for immediate and meaningful averaging of costs and productivity.

Regarding the burden of requiring data by the six production areas, several respondents questioned their purpose inasmuch as ceiling rates are now being set on a national basis. We agree. Use of the area data could lead to a multiprice system based upon area new gas costs which are generally less reliable than nationwide costs. Additionally, certain problems of confidentiality would be eliminated by our not requiring area data. However, with respect to the voiced concern over confidentiality, it is appropriate at this point to reaffirm our position in Order No. 526 involving reserve data. As we stated there, we recognize that disclosure of certain information may at times be detrimental to the private interests of producers. Nevertheless, we have determined that the public right to the information outweighs respondents' proprietary interest.[†]

Small producers requested that the filing requirements be limited to producers selling jurisdictional gas over 1,000,000 Mcf or 10,000,000 Mcf annually. Consistent with the exemption stated in Form No. 40 which gathers productivity data for 1974 and each subsequent year, Form No. 64, as herein adopted, will exempt from filing the initial report all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will apply for each subsequent report only so long as the annual volume of 250,000 Mcf is not exceeded.

Several persons requested that well costs and footage be reported by the operator on a gross basis and on a completed well basis. The latter request will be granted in order to avoid dealing with data on wells in progress at the end of the report year which generally have not been determined to be a successful well or dry hole. However, we have retained our original proposal of reporting on a working interest basis for consistency and uniformity in reporting. Productivity data, consisting of reserve additions and gas well footage obtained in Form No. 40, will be reported on a working interest basis. Therefore, the drilling expenditures, related footage and productivity data for past years obtained in Form No. 64 must be reported on a working interest basis in order to correlate with the productivity data reported in Form No. 40.

Furthermore, aside from well drilling and other lease expenditures, there are many other expenditures, such as overheads, which are not recorded by the lease operator but are maintained in each producer's records on a working interest basis. Since several costs are developed by their relationship to well drilling costs it is therefore necessary to obtain all expenditure data on a consistent working interest basis.

Several respondents requested that the annual data be reported on a fiscal year basis rather than a calendar year basis to be consistent with their accounting procedures. In order to afford respondents time to adjust their records, the Commission will permit respondents the option of reporting on a calendar or fiscal year basis in the initial Form No. 64 report with the exception of productivity data. That data must be reported on a calendar year basis for conformity with Form No. 40. Respondents electing to report on a fiscal year basis must identify the annual time period for each of the prior years' data. This optional reporting basis is only to be used in the initial report. Thereafter annual reports are required on a uniform calendar year basis.

Numerous parties were critical of having to report production volumes and revenue on a well rather than a lease basis because of their record-keeping system. There were also suggestions that volumes be reported on a wet or dry basis, again for record-keeping purposes. In order to alleviate any burden experienced by filing Form No. 64, we have no objection to adopting these modifications.

Numerous additional comments and suggestions on which we will not elaborate in this order were, however, noted. As a result, instructions and definitions associated with Form No. 64 have been revised and clarified in yet another attempt to reduce respondents' burden in filing this report.

By letter of November 17, 1975, GAO approved Form 64 for one year as submitted by this agency on October 1, 1975. While we recognize that this Form is subject to reclearance by the Comptroller General (GAO) pursuant to Section 3512 (b) of Title 44 of the United States Code[‡] and GAO's implementing regulations,[§] we regard Form No. 64 as adopted by this order to be a permanent ongoing report form in furtherance of our statutory responsibilities under the Natural Gas Act. Accordingly, absent any Commission initiated changes in the form during the upcoming year, we do not propose in any subsequent reclearance procedure to once again justify the necessity for the form and its reporting requirements.

The Commission finds: (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the written submission of comments and suggestions are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(2) The amendment to Part 3 of the Commission's General Rules and Section 3.170, Approved Forms, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) The amendment to Part 260, Statements and Reports, to add a new Section 260.21 is necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

The Commission orders: The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, 8, 14, 15, and 16 thereof [52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1974); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o] hereby orders that its General Rules Part 260, Subchapter G of Chapter I, Title 18 of the Code of Fed-

[*] This requirement is consistent with past Commission practice in prior area and national rate proceedings in estimating productivity, which is the relationship between reserve additions and gas well footage.

[†] *F.C.C.* v. *Schreiber*, 381 U.S. 279 (1964).

[‡] 44 U.S.C. § 3512 (1973), Pub. L. No. 93-153, 1st Sess., 93rd Cong., § 409 (1973).

[§] See 4 C.F.R. Section 10.11 (General Accounting Office) Renewals or revisions of existing plans and report forms.

eral Regulations, be amended by adding a new Section 260.21 as follows:

§ 260.21 Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues; Including Those of Any Affiliate (Associate) or Subsidiary of Each Person Found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act.

Exempted from filing the initial report of Form 64 are all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will continue for each subsequent annual report until the annual volume of 250,000 Mcf is exceeded.

(a) The Form of Natural Gas Companies, Annual Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues as FPC Form No. 64 is adopted.

(b) Each person required to report pursuant to this order shall prepare and file with the Commission an original and four copies of Schedule Nos. 1, 2, and 3, FPC Form No. 64.

(c) For the U.S., excluding Alaska and Hawaii, certain Form No. 64 data shall be reported for the years 1970–1974 and each subsequent year with the exception of productivity data on Schedule No. 3, Items (3) (a) through (3) (f) which shall only be reported for the years 1965–1973.

(d) For Alaska and adjacent offshore areas, complete Form No. 64 data, including productivity data, shall be reported for the year 1974 and each subsequent year.

(e) The initial report and the annual report for 1975 shall be filed within six months after the date of the issuance of this order. Subsequent reports shall be filed no later than March 31 of each year.

(f) Information filed pursuant to this order shall be made available at the Commission's offices for public inspection.

(B) We amend Section 3.170 of Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations by revising paragraph (a) (27) as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(27) Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues of each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act, and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a) (2) of the Commission's Regulations. (§ 261.21 of this Chapter)

(C) This order is effective as of the date of issuance.

(D) The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By the Commission.

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

[FR Doc.75-33935 Filed 12-17-75;8:45 am]

[Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas

DECEMBER 10, 1975.

On November 10, 1975, Sabine Royalty Corporation and Dalco Oil Company (Sabine) petitioned for rehearing of the order issued October 29, 1975 granting extensions of time to file Form No. 40 until March 1, 1976 but denying, among others, the petition of Sabine for a partial waiver of the filing requirements or, in the alternative, permission to file its report for 1974 on April 1, 1977. In its petition of November 10, 1975 Sabine also requests that, pending the completion of judicial review,[1] the Commission stay its orders of October 10 and 29, 1975 requiring respondents to file Form No. 40 to continue to gather the information requested on that form.

In its petition Sabine asserts that the Commission acted in an arbitrary and capricious manner in denying Sabine relief. In the October 29, 1975 order the Commission noted that only thirteen respondents, including Sabine and Dalco, had requested an extension of time beyond March 1, 1976, and the Commission further stated that these few requests were "not reasonable." Sabine asserts that, for the reasons expressed in its original request for waiver or an extension of time, the Commission could only conclude that petitioner had proven its right to relief and, therefore, the denial of that relief was an abuse of discretion by the Commission.

Sabine's petition, filed on November 10, 1975, fails to note the statement in our order of October 29, 1975 that the Commission had the power to act on the requests for extension of time granted therein only until the record was docketed before the Court in the case on appeal, *Union Oil Company of California* v. *Federal Power Commission*. Since Sabine is a party to that proceeding, it is aware that the record was filed with the Court prior to the instant Sabine petition. Therefore, the Commission, pursuant to Section 19(b) of the Natural Gas Act,[2] does not have the authority to act on the Sabine petition.

The Notice of Proposed Rulemaking setting forth the reporting requirements of Form No. 40 and the justification therefor was issued on April 15, 1974. Order No. 526, issued February 25, 1975, which promulgated Form No. 40, set the date for filing offshore and onshore 1974 reserve data as July 1, 1975. At that time we set forth our urgent need for this information.[3] In Order No. 526-A the Commission postponed the filing date for 1974 data pertaining to the onshore and state controlled offshore to October 2, 1975. Subsequent postponements resulted in the March 1, 1976 date that is presently applicable to Sabine. Thus, petitioner has been on notice since April 15, 1974 as to the type of information which might be required in this proceeding. The petition of Sabine and Dalco is no different from that of all of the other respondents to Form No. 40, none of whom petitioned for rehearing of the October 29, 1975 order setting the March 1, 1976 filing date.

We recognized in our original order,[4] and subsequently,[5] that Form No. 40 imposed a burden on the reporting companies, but we found the public interest in obtaining the requested reserve data far outweighed the imposition Form No. 40 placed on the respondents. Since the original promulgation of the form we have granted several of the requests of certain reporting entities for extensions of time. The March 1, 1976 date set by the October 29, 1975 order provided a more than adequate period in which respondents can reorient their record-keeping so as to comply with Form No. 40. Only Sabine and Dalco protest that the interim until March 1, 1976 is insufficient and, as we stated in our October 29, 1975 order, such a request for an extension past March 1, 1976 is not reasonable.

Sabine also requests that the Commission stay the effect of the October 29, 1975 order pending the completion of judicial review. As we stated in that order, a stay in the compilation of the necessary data by the producers in preparation of filing is not in the public interest.[6]

The Commission orders. The petition of Sabine and Dalco for rehearing and reconsideration is rejected. The motion for stay of Sabine and Dalco is rejected.

By the Commission.

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

[FR Doc.75-34191 Filed 12-17-75;8:45 am]

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[1] Form No. 40 was promulgated by Order No. 526 and Order No. 526-A, which are the subject of judicial review in *Union Oil Company of California, et al.* v. *F.P.C.*, Nos. 75-2891, *et al.* (9th Cir.) On October 15, 1975 the Court stayed the requirement to file Form No. 40 pending further order of the Court. On November 10, 1975, the Commission moved to vacate this stay following the issuance of the October 29, 1975 order but the Court has not acted on the Commission's motion to date.

[2] 15 U.S.C. 717r(b).

[3] *Order Prescribing Procedures and Instituting Uniform Annual Filing of National Proved Domestic Natural Gas Reserves Information*, Order No. 526, Docket No. RM74-16, ____ F.P.C. ____, mimeo pp. 6-10 (February 25, 1975).

[4] *Id.* at 23.

[5] *Order Making Regulation Effective, Clarifying Order, and Denying Rehearing*, Order No. 526-A, Docket No. RM74-16, ____ F.P.C. ____, mimeo pp. 7-9 (August 18, 1975).

[6] *Order Granting Extensions of Time*, Docket No. RM74-16, ____ F.P.C. ____, mimeo p. 2 (October 29, 1975).

Title 21—Food and Drugs

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

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Chlortetracycline Boluses

Correction

In FR Doc. 75-33155 appearing on page 57455 in the issue for Wednesday, December 10, 1975, the third complete paragraph, the address for the Hearing Clerk which presently reads "560 Fishers Lane" should read "5600 Fishers Lane".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

Revision

● **Purpose. The purpose of this document is to publish revised information and requirements with respect to training programs of The National Highway Institute.** ●

The National Highway Institute was established pursuant to Section 321 of Title 23, United States Code, to develop and administer, in connection with the State highway departments, training programs of instruction for Federal Highway Administration and State or local highway/transportation agency employees engaged or to be engaged in Federal-aid highway work. Regulations published hereby provide notice of the establishment of related fellowship and scholarship programs.

General notice of proposed rulemaking is not required inasmuch as the regulations relate to benefits or contracts pursuant to 5 U.S.C. 553(a)(2).

This regulation is effective December 29, 1975.

Issued on: December 10, 1975.

J. R. COUPAL, Jr.,
Acting Federal Highway Administrator.

Title 23 CFR, Part 260 is revised to read as follows:

Subpart A—Highway Safety

Sec.
260.101 Purpose.
260.103 Definitions.
260.105 Objectives.
260.107 Eligibility.
260.109 Selection.
260.111 Responsibilities of Educational Institutions.
260.113 Responsibilities of Employing Agencies.
260.115 Equal Opportunity.
260.117 Application Procedures.

Subpart B—Highway Transportation Research and Education

260.201 Purpose.
260.203 Definitions.
260.205 Objectives.
260.207 Eligibility.
260.209 Selection.
260.211 Responsibilities of Educational Institutions.
260.213 Responsibilities of Employing Agencies.
260.215 Equal Opportunity.
260.217 Application Procedures.

Subpart C—Highway Technology

260.301 Purpose.
260.303 Definitions.
260.305 Objectives.
260.307 Eligibility.
260.309 Selection.
260.311 Responsibilities of Educational Institutions.
260.313 Responsibilities of Employing Agencies.
260.315 Equal Opportunity.
260.317 Application Procedures.

Subpart A—Highway Safety

§ 260.101 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Safety as administered by the National Highway Institute pursuant to sections 307(a), 315, 321, and 403, of Title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.103 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—one who has completed and submitted the necessary forms and documents in order to be considered for selection for a fellowship.

(b) Employing agency—the agency for which the candidate works. This may be either a State or local highway/transportation agency.

(c) Fellowship—the grant presented to the successful candidate to assist this candidate financially during the period of graduate study.

(d) State highway/transportation agency—the agency with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways at the State level.

(e) Local highway/transportation agency—the agency or metropolitan planning organization with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways at the local level, usually the city or county level.

(f) National Highway Institute (NHI)—the organization located within the FHWA responsible for the administration of the FHWA Fellowship Program in Highway Safety.

(g) Recipient—the successful candidate receiving a fellowship.

§ 206.105 Objectives.

(a) The objective of the fellowship program is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway safety programs and to assist in the development of more effective highway safety programs at all levels of government.

(b) To meet its objective, the program shall provide for 9 to 12 months of full-time or up to 24 months of part-time graduate study in the field of highway safety. The program for each year shall be announced by an FHWA Notice.[1] This notice will contain an application form and will announce the number of Fellowship grants to be awarded and their value.

§ 206.107 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) Candidates shall be employees of State or local highway/transportation agencies.

(c) A candidate shall have earned a Bachelor's or comparable college level degree in a discipline that impinges on highway transportation prior to beginning advanced study under this program.

(d) Candidates must submit evidence of acceptance or probable acceptance for advanced study in highway safety, design, and traffic engineering or safety management courses in schools offering strong comprehensive programs that serve to promote and advance highway safety. Study programs that are not principally oriented toward the roadway environment are not considered to be within the scope of this fellowship program. General planning and engineering study programs are not encouraged under this program. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(e) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(f) Prior to final selection, each candidate shall agree, in writing, to work in public service with a State or local highway/transportation agency in the field of highway safety for at least 3 years after completing the study period, or to repay the grant or pro-rata amount of the grant.

(g) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(h) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in section 260.107(j) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with

[1] The Federal Highway Notices are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(i) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(j) Candidates shall not profit financially from FHWA fellowships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount shall be reduced accordingly except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(k) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.109 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway safety interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Candidate's potential to contribute to a State or local highway safety program. These categories of candidates are listed in the order of their preference if other factors that bear on selection are roughly equal:

(i) Present employees of State or local highway/transportation agencies who demonstrate intent to return to work for their agencies, and

(ii) Present employees of State or local highway/transportation agencies who are committed to work for State or local highway/transportation agencies upon completion of the study.

(2) Relevance of a candidate's study program to the objectives of the fellowship program.

(3) Relevant experience.

(4) Academic and professional achievements.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.111 Responsibilities of Educational Institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.113 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employer's statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these fellowships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the FHWA Notice announcing the program for each academic year.

§ 260.115 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied the benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.117 Application Procedures.

(a) The FHWA Notices announcing the program for each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI-3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

Subpart B—Highway Transportation Research and Education

§ 260.201 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Transportation Research and Education as administered by the National Highway Institute (NHI) pursuant to sections 307 (a), 315, and 321 of title 23, United States Code, and § 1.48 (b) and (h) of title 49, Code of Federal Regulations. This subpart also provides information relative to the application process.

§ 260.203 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—one who has completed and submitted the necessary forms and documents in order to be considered for selection for a fellowship.

(b) Employing Agency—the agency for which the candidate works. This may be either a State or local highway/transportation agency.

(c) Fellowship—the grant presented to the successful candidate to assist this candidate financially during the period of graduate study.

(d) State highway/transportation agency—the agency with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the State level.

(e) Local highway/transportation agency—the agency or metropolitan planning organization with the responsibility for initiating and carrying forward

a highway program or public transportation program utilizing highways at the local level, usually the city or county level.

(f) National Highway Institute (NHI)—the organization located within the FHWA responsible for the administration of the FHWA Fellowship Program in Highway Transportation Research and Education.

(g) Recipient—the successful candidate receiving a fellowship.

§ 260.205 Objectives.

(a) The objective of the Fellowship Program in Highway Transportation Research and Education is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of government.

(b) This program shall provide for 9 to 12 months of full-time or up to 24 months of part-time graduate study in the field of highway transportation. The program for each year shall be announced by an FHWA Notice. This Notice will contain an application form and will announce the number of Fellowship grants to be awarded and their value.

§ 260.207 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) A candidate shall have earned a Bachelor's or comparable college level degree in a discipline that impinges on highway transportation prior to beginning advanced study under this program.

(c) Candidates shall submit evidence of acceptance or probable acceptance for advanced study in schools offering opportunities for research and study in highway transportation or related fields. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(d) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(e) Prior to final selection, each candidate shall agree, in writing, to work in public service with a State or local highway/transportation agency in the field of highway transportation for at least 3 years after completing the study period, or to repay the grant or a pro-rata amount of the grant.

(f) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(g) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in § 260.207(i) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(h) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(i) Candidates shall not profit financially from FHWA fellowships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount shall be reduced accordingly except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(j) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.209 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Candidate's potential to contribute to a State or local highway transportation program. These categories of candidates are listed in the order of their preference if other factors that bear on selection are roughly equal:

(i) Present employees of State or local highway/transportation agencies who demonstrate intent to return to work for their agencies.

(ii) Present employees of State or local highway/transportation agencies who are committed to work for State or local highway/transportation agencies upon completion of the study.

(iii) Students and industry representatives who have job commitments with State or local highway/transportation agencies.

(2) Relevance of a candidate's study program to the objectives of the fellowship program.

(3) Relevant experience.

(4) Academic and professional achievements.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.211 Responsibilities of Educational Institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.213 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employers' statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these fellowships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the FHWA Notice announcing the program for each academic year.

§ 260.215 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no appli-

cant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied the benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.217 Application Procedures.

(a) The FHWA Notices announcing the program each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI-3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

Subpart C—Highway Technology

§ 260.301 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Scholarship Program in Highway Technology as administered by the National Highway Institute (NHI) pursuant to sections 307(a), 315, 321 and 403 of title 23, United States Code, and sections 1.48 (b) and (h) of title 49, Code of Federal Regulations. This subpart also provides information relative to the application process.

§ 260.303 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—One who has completed and submitted the necessary forms and documents in order to be considered for selection for a scholarship.

(b) Employing Agency—The agency for which the candidate works. This may be either a State or local highway/transportation agency or the Federal Highway Administration (FHWA).

(c) State highway/transportation agency—The agency with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways, at the State level.

(d) Local highway/transportation agency—The agency or the metropolitan planning organization with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways, at the local level, usually the city or county level.

(e) National Highway Institute (NHI)—The organization located within the FHWA responsible for the administration of the FHWA Scholarship Program in Highway Technology.

(f) Recipient—The successful candidate receiving a scholarship.

(g) Scholarship—The grant presented to the successful candidate to assist this candidate financially during the period of post-secondary study.

§ 260.305 Objectives.

(a) The objective of the Scholarship Program in Highway Technology is to assist State and local agencies and the FHWA in developing the expert manpower needed for the implementation of their programs and to assist in the development of more effective transportation programs at all levels of government.

(b) To meet its objective the program provides 9 to 12 months of full-time or up to 24 months of part-time post-secondary study in the field of highway transportation. The program for each year shall be announced by an FHWA Notice. This Notice will contain an application form and will announce the number of scholarship grants to be awarded and their value.

§ 260.307 Eligibility.

(a) Prior recipients of FHWA Scholarships are not eligible.

(b) Preference will be given to candidates who are presently employed by the FHWA and by State or local highway/transportation agencies. Candidates who are students with job commitments to work in the field of highway transportation for State and local highway/transportation agencies are eligible.

(c) Candidates shall submit evidence of acceptance, or probable acceptance, for study in programs that will enhance their contribution to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(d) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(e) Prior to final selection, a candidate who is an FHWA employee shall agree, in writing, to continue working for the FHWA for at least 3 years after completing the study period or to repay the grant or a pro rata amount of the grant. A candidate who is an employee of a State or local highway/transportation agency shall agree, in writing, to work in public service with a State or local highway/transportation agency for at least 3 years after completing the study period, or to repay the grant, or a pro rata amount of the grant.

(f) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(g) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the non-profit criterion stipulated in Section 260.307(i) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(h) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(i) Candidates shall not profit financially from FHWA Scholarships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount will be reduced accordingly, except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(j) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.309 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Academic and professional achievements.

(2) Candidate's potential to contribute to a Federal, State, or local highway program.

(3) Relevant experience.

(4) Relevance of a candidate's study program to the objectives of the scholarship program.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.311 Responsibilities of Educational Institutions.

(a) The college or university chosen by the scholarship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the scholarship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.313 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employers' statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these scholarships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the Notice announcing the program for each academic year.

§ 260.315 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.317 Application Procedures.

(a) The FHWA Notice announcing the program for each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI-3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

[FR Doc.75-34126 Filed 12-17-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-364]

PART 200—INTRODUCTION

Delegations to Particular Positions

Pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), the Assistant Secretary-Commissioner is revising the delegations of authority under 24 CFR, subpart D. These revisions are necessary to implement section 8 of the U.S. Housing Act of 1937 and amendments to sections 235 and 236 of the National Housing Act as contained in Title II of the Housing and Community Development Act of 1974 in relation to the establishment of income ceilings. Because this amendment relates to agency management and personnel, comment and public procedure are unnecessary.

Accordingly, Part 200, subpart D of Title 24 is amended by:

1. Section 200.56 is amended by adding a new paragraph (i) to read as follows:

§ 200.56 Director, Office of Underwriting Standards.

* * * * *

(i) To establish income ceilings for individual areas in the United States for "lower-income families" and "very low income families" as these terms are used for housing assistance under section 8 of the U.S. Housing Act of 1937, as amended; for families eligible for single-family mortgage assistance under section 235 of the National Housing Act, as amended; and for tenants eligible for occupancy in projects receiving multifamily mortgage assistance under section 236 of the National Housing Act, as amended; including establishing income ceilings higher or lower than 80 per centum of the median for individual areas on the basis of findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

2. Section 200.56d is amended by adding a new paragraph (c) to read as follows:

§ 200.56d Director, Economic and Market Analysis Division.

* * * * *

(c) Under the general supervision of the Director, Office of Underwriting Standards, to establish income ceilings for individual areas in the United States for "lower-income families" and "very low income families" as these terms are used for housing assistance under section 8 of the U.S. Housing Act of 1937, as amended; for families eligible for single-family mortgage assistance under section 235 of the National Housing Act, as amended; and for tenants eligible for occupancy in projects receiving multifamily mortgage assistance under section 236 of the National Housing Act, as amended; including establishing income ceilings higher and lower than 80 per centum of the median for individual areas on the basis of findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

Effective date. This amendment is effective as of January 1, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit — Federal Housing Commissioner.

[FR Doc.75-34098 Filed 12-17-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7392]

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

Advertising, etc., Activities

On September 11, 1971, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) relating to the advertising income of exempt organizations under section 513(c) of the Internal Revenue Code of 1954, as amended by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542), was published in the FEDERAL REGISTER (36 F.R. 18316).

The amendments to the regulations provide rules regarding the computation of unrelated business tax on exempt or-

ganization from the sale of advertising in periodicals. In general the regulations allow an organization to reduce their advertising income from a periodical (i.e.—the amount by which gross advertising income exceeds direct advertising costs) by the excess of readership costs over circulation income attributable to such periodical. Where periodicals are furnished dues paying members of the organization without further charge, a portion of the dues must be allocated to the circulation income of the periodical. The notice of proposed rule making set forth seven factors to be used in making this allocation. The amendments adopted by this document simplify the allocation rule by reducing the factors to three (1) subscription price charged to nonmembers; (2) subscription price charged to members and; (3) pro rata allocation of membership receipts based upon cost.

The amendments also allow consolidation of two or more periodicals if such periodicals are published for the production of income. Rules are set forth to determine if a periodical is published for the production of income.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rule proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted, subject to the changes set forth below:

Paragraph 1. Section 1.512 (a)–1 as set forth in paragraph 1 of the appendix of the notice of proposed rule making is changed by revising paragraphs (f) (4) and (5) to read as follows:

§ 1.512 (a)–1 Definition.

* * * * *

(f) Determination of unrelated business taxable income derived from sale of advertising in exempt organization periodical.

* * *

(4) *Allocable membership receipts.* The allocable membership receipts of an exempt organization periodical shall be determined in accordance with the following rules:

(i) *Subscription price charged to nonmembers.* If 20 percent or more of the total circulation of a periodical consist of sales to nonmembers, the subscription price charged to such nonmembers shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(ii) *Subscription price to nonmembers.* If paragraph (f) (4) (i) of this section does not apply and if the membership dues from 20 percent or more of the members of an exempt organization are less than those received from the other members because the former members do not receive the periodical, the amount of the reduction in membership dues for a member not receiving the periodical shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(iii) *Pro rata allocation of membership receipts.* Since it may generally be assumed that membership receipts and gross advertising income are equally available for all the exempt activities (including the periodical) of the organization, the share of membership receipts allocated to the periodical, where paragraphs (f) (4) (i) and (ii) of this section do not apply, shall be an amount equal to the organization's membership receipts multiplied by a fraction the numerator of which is the total periodical costs and the denominator of which is such costs plus the cost of other exempt activities of the organization. For example, assume that an exempt organization has total periodical costs of $30,000 and other exempt costs of $70,000. Further assume that the membership receipts of the organization are $60,000 and that paragraphs (f) (4) (i) and (ii) of this section do not apply. Under these circumstances $18,000 ($60,000 times $30,000/$100,000) is allocated to the periodical's circulation income.

(5) *Examples.* The rules set forth in paragraph (f) (4) of this section may be illustrated by the following examples. For purposes of these examples it is assumed that the exempt organization periodical contains advertising, and that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). U is an exempt scientific organization with 10,000 members who pay annual dues of $15 per year. One of U's activities is the publication of a monthly periodical which is distributed to all of its members. U also distributes 5,000 additional copies of its periodical to nonmember subscribers at a cost of $10 per year. Pursuant to paragraph (f) (4) (i) of this section, since the nonmember circulation of U's periodical represents 33⅓ percent of its total circulation the subscription price charged to nonmembers will be used to determine the portion of U's membership receipts allocable to the periodical. Thus, U's allocable membership receipts will be $100,000 ($10 times 10,000 members), and U's total circulation income for the periodical will be $150,000 ($100,000 from members plus $50,000 from sales to nonmembers).

Example (2). Assume the facts as stated in example (1), except that U sells only 500 copies of its periodical to nonmembers, at a price of $10 per year. Assume further that U's members may elect not to receive the periodical, in which case their annual dues are reduced from $15 per year to $6 per year, and that only 3,000 members elect to receive the periodical and pay the full dues of $15 per year. U's stated subscription price to members of $9 consistently results in an excess of total income (including gross advertising income) attributable to the periodical over total costs of the periodical. Since the 500 copies of the periodical distributed to nonmembers represents only 14 percent of the 3,500 copies distributed, pursuant to paragraph (f) (4) (i) of this section, the $10 subscription price charged to nonmembers will not be used in determining the portion of membership receipts allocable to the periodical. On the other hand, since 70 percent of the members elect not to receive the periodical and pay $9 less per year in dues, pursuant to paragraph (f) (4) (ii) of this section, such $9 price will be used in determining the subscription price charged to members. Thus, the allocable membership receipts will be $9 per member, or $27,000 ($9 times 3,000 copies) and U's total circulation income will be $32,000 ($27,000 plus $5,000).

Example (3). (a) W, an exempt trade association, has 800 members who pay annual dues of $50 per year. W publishes a monthly journal the editorial content and advertising of which are directed to the business interests of its own members. The journal is distributed to all of W's members and no receipts are derived from nonmembers.

(b) W has total receipts of $100,000 of which $40,000 ($50×800) are membership reecipts and $60,000 are gross advertising income. W's total costs for the journal and other exempt activities is $100,000. W has total periodical costs of $76,000 of which $41,000 are direct advertising costs and $35,000 are readership costs.

(c) Paragraph (f) (4) (i) of this section will not apply since no copies are available to nonmembers. Therefore, the allocation of membership receipts shall be made in accordance with paragraph (f) (4) (iii) of this section. Based upon pro rata allocation of membership receipts (40,000) by a fraction the numerator of which is total periodical costs ($76,000) and the denominator of which is the total costs of the journal and the other exempt activities ($100,000), $30,400 ($76,000/$100,000 times $40,000) of membership receipts in circulation income.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: December 12, 1975.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

On September 11, 1971, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) relating to the advertising income of exempt organizations under section 513(c) of the Internal Revenue Code of 1954, as amended by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542), was published in the FEDERAL REGISTER (36 FR 18316).

The amendments to the regulations provide rules regarding the computation of unrelated business tax on exempt organization from the sale of advertising in periodicals. In general the regulations allow an organization to reduce their advertising income from a periodical (i.e. the amount by which gross advertising income exceeds direct advertising costs) by the excess of readership costs over circulation income attributable to such periodical. Where periodicals are furnished dues paying members of the organization without further charge, a portion of the dues must be allocated to the circulation income of the periodical. The notice of proposed rule making set forth seven factors to be used in making this allocation. The amendments adopted by this document simplify the allocation rule by reducing the factors to three (1) subscription price charged to nonmembers; (2) subscription price charged to members and; (3) pro rata allocation of membership receipts based upon cost.

The amendments also allow consolidation of two or more periodicals if such periodicals are published for the production of income. Rules are set forth to determine if a periodical is published for the production of income.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rule proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.512(a)-1 is amended to read as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* Section 512 defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to the modifications referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, expenses, depreciation and similar items not only must qualify as deductions allowed by chapter 1 of the Code but also must be directly connected with the carrying on of an unrelated trade or business activity. Except as provided in paragraphs (d)(2) and (f) of this section, to be "directly connected with" the conduct of an unrelated business activity for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business activity. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

(b) *Expenses attributable solely to unrelated business activities.* Expenses, depreciation, and similar items attributable solely to the conduct of unrelated business activities are proximately and primarily related to that business activity, and therefore qualify for deduction to the extent that they meet the requirements of section 162, section 167, or other relevant provisions of the Code, connected with the conduct of that activity and are deductible in computing unrelated business activities are directly connected with the conduct of that activity and are deductible in computing unrelated business taxable income if they otherwise qualify for deduction under the requirements of section 162. Similarly, depreciation of a building used entirely in the conduct of unrelated business activities would be an allowable deduction to the extent otherwise permitted by section 167.

(c) *Dual use of facilities or personnel.* Where facilities are used both to carry on exempt activities and to conduct unrelated trade or business activities, expenses, depreciation and similar items attributable to such facilities (as, for example, items of overhead), shall be allocated between the two uses on a reasonable basis. Similarly, where personnel are used both to carry on exempt activities and to conduct unrelated trade or business activities, expenses and similar items attributable to such personnel (as, for example, items of salary) shall be allocated between the two uses on a reasonable basis. The portion of any such item so allocated to the unrelated trade or business activity is proximately and primarily related to that business activity, and shall be allowable as a deduction in computing unrelated business taxable income in the manner and to the extent permitted by section 162, section 167, or other relevant provisions of the Code. Thus, for example, assume that X, an exempt organization subject to the provisions of section 511, pays its president a salary of $20,000 a year. X derives gross income from the conduct of unrelated trade or business activities. The president devotes approximately 10 percent of his time during the year to the unrelated business activity. For purposes of computing X's unrelated business taxable income, a deduction of $2,000 (10 percent of $20,000), would be allowable for the salary paid to its president.

(d) *Exploitation of exempt activities*—(1) *In general. In certain cases,* gross income is derived from an unrelated trade or business activity which exploits an exempt activity. One example of such exploitation is the sale of advertising in a periodical of an exempt organization which contains editorial material related to the accomplishment of the organization's exempt purpose. Except as specified in subparagraph (2) of this paragraph and paragraph (f) of this section, in such cases, expenses, depreciation and similar items attributable to the conduct of the exempt activities are no deductible in computing unrelated business taxable income. Since such items are incident to an activity which is carried on in furtherance of the exempt purpose of the organization, they do not possess the necessary proximate and primary relationship to the unrelated trade or business activity and are therefore not directly connected with that business activity.

(2) *Allowable deductions.* Where an unrelated trade or business activity is of a kind carried on for profit by taxable organizations and where the exempt activity exploited by the business is a type of activity normally conducted by taxable organizations in pursuance of such business, expenses, depreciation, and similar items which are attributable to the exempt activity qualify as directly connected with the carrying on of the unrelated trade or business activity to the extent that:

(i) The aggregate of such items exceeds the income (if any) derived from or attributable to the exempt activity; and

(ii) The allocation of such excess to the unrelated trade or business activity does not result in a loss from such unrelated trade or business activity.

Under the rule of the preceding sentence, expenses, depreciation and similar items paid or incurred in the performance of an exempt activity must be allocated first to the exempt activity to the extent of the income derived from or attributable to the performance of that activity. Furthermore, such items are in no event allocable to the unrelated trade or business activity exploiting such exempt activity to the extent that their deduction would result in a loss carryover or carryback with respect to that trade or business activity. Similarly, they may not be taken into account in computing unrelated business taxable income attributable to any unrelated trade or business activity not exploiting the same exempt activity. See paragraph (f) of this section for the application of these rules to periodicals published by exempt organizations.

(e) *Example.* Paragraphs (a) through (d) of this section are illustrated by the following example:

Example. W is an exempt business league with a large membership. Under an arrangement with an advertising agency W regularly mails brochures, pamphlets and other advertising materials to its members, charging the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of the purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from an unrelated trade or business activity. In computing W's unrelated business taxable income, the expenses attributable solely to the conduct of the business, or allocable to such business under the rule of paragraph (c) of this section, are allowable as deductions in accordance with the provisions of section 162. Such deductions include the costs of handling and mailing, the salaries of personnel used full-time in the unrelated business activity and an allocable portion of the salaries of personnel used both to carry on exempt activities and to conduct the unrelated business activity. However, costs of developing W's membership and carrying on its exempt activities are not deductible. Those costs are necessary to the maintenance of the intangible asset exploited in the unrelated business activity—W's membership—but are incurred primarily in connection with W's fundamental purpose as an exempt organization. As a consequence, they do not have proximate and primary relationship to the conduct of the unrelated business activity and do not qualify as directly connected with it.

(f) *Determination of unrelated business taxable income derived from sale of advertising in exempt organization periodicals*—(1) *In general.* Under section 513 (relating to the definition of unrelated trade or business) and § 1.513-1, amounts realized by an exempt organization from the sale of advertising in a periodical constitute gross income from an unrelated trade or business activity involving the exploitation of an exempt activity, namely, the circulation and readership of the periodical developed through the production and distribution of the readership content of the periodical. Paragraph (d) of this section provides for the allowance of deductions attributable to the production and distribution of the readership content of the periodical. Thus, subject to the limitations of paragraph (d)(2) of this section, where the circulation and readership of an exempt organization periodical are utilized in connection with the sale of advertising in the periodical, expenses, depreciation, and similar items of deductions attributable to the production and distribution of the editorial or readership content of the periodical shall qualify as items of deductions directly connected with the unrelated advertising activity. Subparagraphs (2) through (6) of this paragraph provide rules for determining the amount of unrelated business taxable income attrib-

utable to the sale of advertising in exempt organization periodicals. Subparagraph (7) of this paragraph provides rules for determining when the unrelated business taxable income of two or more exempt organization periodicals may be determined on a consolidated basis.

(2) *Computation of unrelated business taxable income attributable to sale of advertising*—(i) *Excess advertising costs.* If the direct advertising costs of an exempt organization periodical (determined under subparagraph (6)(ii) of this paragraph) exceed gross advertising income (determined under subparagraph (3)(ii) of this paragraph), such excess shall be allowable as a deduction in determining unrelated business taxable income from any unrelated trade or business activity carried on by the organization.

(ii) *Excess advertising income.* If the gross advertising income of an exempt organization periodical exceeds direct advertising costs, paragraph (d)(2) of this section provides that items of deduction attributable to the production and distribution of the readership content of an exempt organization periodical shall qualify as items of deduction directly connected with unrelated advertising activity in computing the amount of unrelated business taxable income derived from the advertising activity to the extent that such items exceed the income derived from or attributable to such production and distribution, but only to the extent that such items do not result in a loss from such advertising activity. Furthermore, such items of deduction shall not qualify as directly connected with such advertising activity to the extent that their deduction would result in a loss carryback or carryover with respect to such advertising activity. Similarly, such items of deduction shall not be taken into account in computing unrelated business taxable income attributable to any unrelated trade or business activity other than such advertising activity. Thus—

(*a*) If the circulation income of the periodical (determined under subparagraph (3)(iii) of this paragraph) equals or exceeds the readership costs of such periodical (determined under subparagraph (6)(iii) of this paragraph), the unrelated business taxable income attributable to the periodical is the excess of the gross advertising income of the periodical over direct advertising costs; but

(*b*) If the readership costs of an exempt organization periodical exceed the circulation income of the periodical, the unrelated business taxable income is the excess, if any, of the total income attributable to the periodical (determined under subparagraph (3) of this paragraph) over the total periodical costs (as defined in subparagraph (6)(i) of this paragraph).

See subparagraph (7) of this paragraph for rules relating to the consolidation of two or more periodicals.

(iii) *Examples.* The application of this paragraph may be illustrated by the following examples. For purposes of these examples it is assumed that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). X, an exempt trade association, publishes a single periodical which carries advertising. During 1971, X realizes a total of $40,000 from the sale of advertising in the periodical (gross advertising income) and $60,000 from sales of the periodical to members and nonmembers (circulation income). The total periodical costs are $90,000 of which $50,000 is directly connected with the sale and publication of advertising (direct advertising costs) and $40,000 is attributable to the production and distribution of the readership content (readership costs). Since the direct advertising costs of the periodical ($50,000) exceed gross advertising income ($40,000), pursuant to subdivision (i) of this subparagraph, the unrelated business taxable income attributable to advertising is determined solely on the basis of the income and deductions directly connected with the production and sale of the advertising:

Gross advertising revenue	$40,000
Direct advertising costs	(50,000)
Loss attributable to advertising	(10,000)

X has realized a loss of $10,000 from its advertising activity. This loss is an allowable deduction in computing X's unrelated business taxable income derived from any other unrelated trade or business activity.

Example (2). Assume the facts as stated in example (1), except that the circulation income of X periodical is $100,000 instead of $60,000, and that of the total periodical costs, $25,000 are direct advertising costs, and $65,000 are readership costs. Since the circulation income ($100,000) exceeds the total readership costs ($65,000), pursuant to subdivision (ii)(*a*) of this subparagraph the unrelated business taxable income attributable to the advertising activity is $15,000, the excess of gross advertising income ($40,000) over direct advertising costs ($25,000).

Example (3). Assume the facts as stated in example (1), except that of the total periodical costs, $20,000 are direct advertising costs and $70,000 are readership costs. Since the readership costs of the periodical ($70,000), exceed the circulation income ($60,000), pursuant to subdivision (ii)(*b*) of this subparagraph the unrelated business taxable income attributable to advertising is the excess of the total income attributable to the periodical over the total periodical costs. Thus, X has unrelated business taxable income attributable to the advertising activity of $10,000 ($100,000 total income attributable to the periodical less $90,000 total periodical costs).

Example (4). Assume the facts as stated in example (1), except that the total periodical costs are $120,000 of which $30,000 are direct advertising costs and $90,000 are readership costs. Since the readership costs of the periodical ($90,000), exceed the circulation income ($60,000), pursuant to subdivision (ii)(*b*) of this subparagraph the unrelated business taxable income attributable to advertising is the excess, if any, of the total income attributable to the periodical over the total periodical costs. Since the total income of the periodical ($100,000) does not exceed the total periodical costs ($120,000), X has not derived any unrelated business taxable income from the advertising activity. Further, only $70,000 of the $90,000 of readership costs may be deducted in computing unrelated business taxable income since as provided in subdivision (ii) of this subparagraph, such costs may be deducted, to the extent they exceed circulation income, only to the extent they do not result in a loss from the advertising activity. Thus, there is no loss from such activity, and no amount may be deducted on this account in computing X's unrelated trade or business income derived from any other unrelated trade or business activity.

(3) *Income attributable to exempt organization periodicals*—(i) *In general.* For purposes of this paragraph the total income attributable to an exempt organization periodical is the sum of its gross advertising income and its circulation income.

(ii) *Gross advertising income.* The term "gross advertising income" means all amounts derived from the unrelated advertising activities of an exempt organization periodical (or for purposes of this paragraph in the case of a taxable organization, all amounts derived from the advertising activities of the taxable organization).

(iii) *Circulation income.* The term "circulation income" means the income attributable to the production, distribution or circulation of a periodical (other than gross advertising income) including all amounts realized from or attributable to the sale or distribution of the readership content of the periodical, such as amounts realized from charges made for reprinting or republishing articles and special items in the periodical and amounts realized from sales of back issues. Where the right to receive an exempt organization periodical is associated with membership or similar status in such organization for which dues, fees or other charges are received (hereinafter referred to as "membership receipts"), circulation income includes the portion of such membership receipts allocable to the periodical (hereinafter referred to as "allocable membership receipts"). Allowable membership receipts is the amount which would have been charged and paid if—

(*a*) The periodical was that of a taxable organization.

(*b*) The periodical was published for profit, and

(*c*) The member was an unrelated party dealing with the taxable organization at arm's length.

See subparagraph (4) of this paragraph for a discussion of the factors to be considered in determining allocable membership receipts of an exempt organization periodical under the standard described in the preceding sentence.

(4) *Allocable membership receipts.* The allocable membership receipts of an exempt organization periodical shall be determined in accordance with the following rules:

(i) *Subscription price charged to nonmembers.* If 20 percent or more of the total circulation of a periodical consist of sales to nonmembers, the subscription price charged to such nonmembers shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(ii) *Subscription price to nonmembers.* If paragraph (f)(4)(i) of this section does not apply and if the membership

dues from 20 percent or more of the members of an exempt organization are less than those received from the other members because the former members do not receive the periodical, the amount of the reduction in membership dues for a member not receiving the periodical shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(iii) *Pro rata allocation of membership receipts.* Since it may generally be assumed that membership receipts and gross advertising income are equally available for all the exempt activities (including the periodical) of the organization, the share of membership receipts allocated to the periodical, where paragraphs (f)(4) (i) and (ii) of this section do not apply, shall be an amount equal to the organization's membership receipts multiplied by a fraction the numerator of which is the total periodical costs and the denominator of which is such costs plus the cost of other exempt activities of the organization. For example, assume that an exempt organization has total periodical costs of $30,000 and other exempt costs of $70,000. Further assume that the membership receipts of the organization are $60,000 and that paragraphs (f)(4) (i) and (ii) of this section do not apply. Under these circumstances $18,000 ($60,000 times $30,000/$100,000) is allocated to the periodical's circulation income.

(5) *Examples.* The rules set forth in paragraph (f)(4) of this section may be illustrated by the following examples. For purposes of these examples it is assumed that the exempt organization periodical contains advertising, and that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). U is an exempt scientific organization with 10,000 members who pay annual dues of $15 per year. One of U's activities is the publication of a monthly periodical which is distributed to all of its members. U also distributes 5,000 additional copies of its periodical to nonmember subscribers at a cost of $10 per year. Pursuant to paragraph (f)(4)(i) of this section, since the nonmember circulation of U's periodical represents 33⅓ percent of its total circulation the subscription price charged to nonmembers will be used to determine the portion of U's membership receipts allocable to the periodical. Thus, U's allocable membership receipts will be $100,000 ($10 times 10,000 members), and U's total circulation income for the periodical will be $150,000 ($100,000 from members plus $50,000 from sales to nonmembers).

Example (2). Assume the facts as stated in example (1), except that U sells only 500 copies of its periodical to nonmembers, at a price of $10 per year. Assume further that U's members may elect not to receive the periodical, in which case their annual dues are reduced from $15 per year to $6 per year, and that only 3,000 members elect to receive the periodical and pay the full dues of $15 per year. U's stated subscription price to members of $9 consistently results in an excess of total income (including gross advertising income) attributable to the periodical over total costs of the periodical. Since the 500 copies of the periodical distributed to nonmembers represents only 14 percent of the 3,500 copies distributed, pursuant to paragraph (f)(4)(i) of this section, the $10 subscription price charged to nonmembers will not be used in determining the portion of membership receipts allocable to the periodical. On the other hand, since 70 percent of the members elect not to receive the periodical and pay $9 less per year in dues, pursuant to paragraph (f)(4)(ii) of this section, such $9 price will be used in determining the subscription price charged to members. Thus, the allocable membership receipts will be $9 per member, or $27,000 ($9 times 3,000 copies) and U's total circulation income will be $32,000 ($27,000 plus $5,000).

Example (3). (a) W, an exempt trade association, has 800 members who pay annual dues of $50 per year. W publishes a monthly journal the editorial content and advertising of which are directed to the business interests of its own members. The journal is distributed to all of W's members and no receipts are derived from nonmembers.

(b) W has total receipts of $100,000 of which $40,000 ($50 x 800) are membership receipts and $60,000 are gross advertising income. W's total costs for the journal and other exempt activities is $100,000. W has total periodical costs of $76,000 of which $41,000 are direct advertising costs and $35,000 are readership costs.

(c) Paragraph (f)(4)(i) of this section will not apply since no copies are available to nonmembers. Therefore, the allocation of membership receipts shall be made in accordance with paragraph (f)(4)(iii) of this section. Based upon pro rata allocation of membership receipts (40,000) by a fraction the numerator of which is total periodical costs ($76,000) and the denominator of which is the total costs of the journal and the other exempt activities ($100,000), $30,400 ($76,000/$100,000 times $40,000) of membership receipts is circulation income.

(6) *Deductions attributable to exempt organization periodicals*—(i) *In general.* For purposes of this paragraph the term "total periodical costs" means the total deductions attributable to the periodical. For purposes of this paragraph the total periodical costs of an exempt organization periodical are the sum of the direct advertising costs of the periodical (determined under subdivision (ii) of this subparagraph) and the readership costs of the periodical (determined under subdivision (iii) of this subparagraph). Items of deduction properly attributable to exempt activities other than the publication of an exempt organization periodical may not be allocated to such periodical. Where items are attributable both to an exempt organization periodical and to other activities of an exempt organization, the allocation of such items must be made on a reasonable basis which fairly reflects the portion of such item properly attributable to each such activity. The method of allocation will vary with the nature of the item, but once adopted, a reasonable method of allocation with respect to an item must be used consistently. Thus, for example, salaries may generally be allocated among various activities on the basis of the time devoted to each activity; occupancy costs such as rent, heat and electricity ma ybe allocated on the basis of the portion of space devoted to each activity; and depreciation may be allocated on the basis of space occupied and the portion of the particular asset utilized in each activity. Allocations based on dollar receipts from various exempt activities will generally not be reasonable since such receipts are usually not an accurate reflection of the costs associated with activities carried on by exempt organizations.

(ii) *Direct advertising costs.* (a) The direct advertising costs of an exempt organization periodical include all expenses, depreciation, and similar items of deduction which are directly connected with the sale and publication of advertising as determined in accordance with paragraphs (a), (b), and (c) of this section. These items are allowable as deductions in the computation of unrelated business income of the organization for the taxable year to the extent they meet the requirements of section 162, section 167, or other relevant provisions of the Code. The items allowable as deductions under this subdivision do not include any items of deduction attributable to the production or distribution of the readership content of the periodical.

(b) The items allowable as deductions under this subdivision would include agency commissions and other direct selling costs, such as transportation and travel expenses, office salaries, promotion and research expenses, and direct office overhead directly connected with the sale of advertising lineage in the periodical. Also included would be other items of deduction commonly classified as advertising costs under standard account classification, such as art work and copy preparation, telephone, telegraph, postage, and similar costs directly connected with advertising.

(c) In addition to the items of deduction normally included in standard account classifications relating to advertising costs, it is also necessary to ascertain the portion of mechanical and distribution costs attributable to advertising lineage. For this purpose, the general account classifications of items includible in mechanical and distribution costs ordinarily employed in business-paper and consumer publication accounting provide a guide for the computation. Thus, the mechanical and distribution costs in such cases would include the portion of the costs and other expenses of composition, presswork, binding, mailing (including paper and wrappers used for mailing), and the bulk postage attributable to the advertising lineage of the publication. The portion of mechanical and distribution costs attributable to advertising lineage of the periodical will be determined on the basis of the ratio of advertising lineage to total lineage of the periodical, and the application of that ratio to the total mechanical and distribution costs of the periodical, where records are not kept in such a manner as to reflect more accurately the allocation of mechanical and distributions costs to advertising lineage of the periodical, and where there is no factor in the character of the periodical to indicate that such an allocation would be unreasonable.

(iii) *Readership costs.* The "readership costs" of an exempt organization periodical include expenses, depreciation or similar items which are directly connected with the production and distribution of the readership content of the

periodical and which would otherwise be allowable as deductions in determining unrelated business taxable income under section 512 and the regulations thereunder if such production and distribution constituted an unrelated trade or business activity. Thus, readership costs include all the items of deduction attributable to an exempt organization periodical which are not allocated to direct advertising costs under subdivision (ii) of this subparagraph, including the portion of such items attributable to the readership content of the periodical, as opposed to the advertising content, and the portion of mechanical and distribution costs which is not attributable to advertising lineage in the periodical.

(7) *Consolidation*—(i) *In general.* Where an exempt organization subject to unrelated business income tax under section 511 publishes two or more periodicals for the production of income, it may treat the gross income from all (but not less than all) of such periodicals and the items of deduction directly connected with such periodicals (including readership costs of such periodicals), on a consolidated basis as if such periodicals were one periodical in determining the amount of unrelated business taxable income derived from the sale of advertising in such periodical. Such treatment must, however, be followed consistently and once adopted shall be binding unless the consent of the Commissioner is obtained as provided in sections 446(e) and § 1.446–1(e).

(ii) *Production of income.* For purposes of this subparagraph, an exempt organization periodical is "published for the production of income" if—

(*a*) The organization generally receives gross advertising income from the periodical equal to at least 25 percent of the readership costs of such periodical, and

(*b*) The publication of such periodical is an activity engaged in for profit.

For purposes of the preceding sentence, the determination whether the publication of a periodical is an activity engaged in for profit is to be made by reference to objective standards taking into account all the facts and circumstances involved in each case. The facts and circumstances must indicate that the organization carries on the activity with the objective that the publication of the periodical will result in economic profit (without regard to tax consequences), although not necessarily in a particular year. Thus, an exempt organization periodical may be treated as having been published with such an objective even though in a particular year its total periodical costs exceed its total income. Similarly, if an exempt organization begins publishing a new periodical, the fact that the total periodical costs exceed the total income for the startup years because of a lack of advertising sales does not mean that the periodical was published without an objective of economic profit. The organization may establish that the activity was carried on with such an objective. This might be established by showing, for example, that there is a reasonable expectation that the total income, by reason of an increase in advertising sales, will exceed costs within a reasonable time. See § 1.183–2 for additional factors bearing on this determination.

(iii) *Example.* This subparagraph may be illustrated by the following example:

Example. Y, an exempt trade association, publishes three periodicals which it distributes to its members: a weekly newsletter, a monthly magazine, and quarterly journal. Both the monthly magazine and the quarterly journal contain advertising which accounts for gross advertising income equal to more than 25 percent of their respective readership costs. Similarly, the total income attributable to each such periodical has exceeded the total deductions attributable to each such periodical for substantially all the years they have been published. The newsletter carries no advertising and its annual subscription price is not intended to cover the cost of publication. The newsletter is a service of Y distributed to all of its members in an effort to keep them informed of changes occurring in the business world and is not engaged in for profit. Under these circumstances, Y may consolidate the income and deductions from the monthly and quarterly journals in computing its unrelated business taxable income, but may not consolidate the income and deductions attributable to the publication of the newsletter with the income and deductions of its other periodicals since the newsletter is not published for the production of income.

(g) *Foreign organizations*—(1) *In general.* The unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of:

(i) The organization's unrelated business taxable income which is derived from sources within the United States but which is not effectively connected with the conduct of a trade or business within the United States, plus

(ii) The organization's unrelated business taxable income effectively connected with the conduct of a trade or business within the United States (whether or not such income is derived from sources within the United States).

To determine whether income realized by a foreign organization is derived from sources within the United States or is effectively connected with the conduct of a trade or business within the United States, see part 1, subchapter N, chapter 1 of the Code (section 861 and following) and the regulations thereunder.

(2) *Effective dates.* Subparagraph (1) of this paragraph applies to taxable years beginning after December 31, 1969. For taxable years beginning on or before December 31, 1969, the unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of the organization's unrelated business taxable income which—

(i) For taxable years beginning after December 31, 1966, is effectively connected with the conduct of a trade or business within the United States, whether or not such income is derived from sources within the United States;

(ii) For taxable years beginning on or before December 31, 1966, is derived from sources within the United States.

(h) *Effective date.* Paragraphs (a) through (f) of this section are applicable with respect to taxable years beginning after December 12, 1967. However, if a taxpayer wishes to rely on the rules stated therein for taxable years beginning before December 13, 1967, he may do so.

PAR. 2. Section 1.513 is amended by revising section 513(c) and by adding an historical note. These amended and added provisions read as follows:

§ 1.513 Statutory provisions; unrelated trade or business.

SEC. 513 *Unrelated trade or business.* * * *

(c) *Advertising, etc., activities.* For purposes of this section, the term "trade or business" includes any activity which is carried on for the production of income from the sale of goods or the performance of services. For purposes of the preceding sentence, an activity does not lose identity as a trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Where an activity carried on for profit constitutes an unrelated trade or business no part of such trade or business shall be excluded from such classification merely because it does not result in profit.

[Sec. 513(c) as amended by sec. 121(c), Tax Reform Act 1969 (83 Stat. 542)]

PAR. 3. Section 1.513–1 is amended by revising paragraph (a), paragraph (b), and paragraph (f). These amended provisions read as follows:

§ 1.513–1 Definition of unrelated trade or business.

(a) *In general.* As used in section 512 the term "unrelated business taxable income" means the gross income derived by an organization from any unrelated trade or business regularly carried on by it, less the deductions and subject to the modifications provided in section 512. Section 513 specifies with certain exceptions that the phrase "unrelated trade or business" means, in the case of an organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in section 511(a)(2)(B), to the exercise or performance of any purpose or function described in section 501(c)(3)). (For certain exceptions from this definition, see paragraph (e) of this section. For a special definition of "unrelated trade or business" applicable to certain trusts, see section 513(b).) Therefore, unless one of the specific exceptions of section 512 or 513 is applicable, gross income of an exempt organization subject to the tax imposed by section 511 is includible in the computation of unrelated business taxable income if: (1) It is income from trade or business; (2) such trade or business is regularly carried on by the

organization; and (3) the conduct of such trade or business is not substantially related (other than through the production of funds) to the organization's performance of its exempt functions.

(b) *Trade or business.* The primary objective of adoption of the unrelated business income tax was to eliminate a source of unfair competition by placing the unrelated business activities of certain exempt organizations upon the same tax basis as the nonexempt business endeavors with which they compete. On the other hand, where an activity does not possess the characteristics of a trade or business within the meaning of section 162, such as when an organization sends out low-cost articles incidental to the solicitation of charitable contributions, the unrelated business income tax does not apply since the organization is not in competition with taxable organizations. However, in general, any activity of a section 511 organization which is carried on for the production of income and which otherwise possesses the characteristics required to constitute "trade or business" within the meaning of section 162—and which, in addition, is not substantially related to the performance of exempt functions—presents sufficient likelihood of unfair competition to be within the policy of the tax. Accordingly, for purposes of section 513 the term "trade or business" has the same meaning it has in section 162, and generally includes any activity carried on for the production of income from the sale of goods or performance of services. Thus, the term "trade or business" in section 513 is not limited to integrated aggregates of assets, activities and good will which comprise businesses for the purposes of certain other provisions of the Internal Revenue Code. Activities of producing or distributing goods or performing services from which a particular amount of gross income is derived do not lose identity as trade or business merely because they are carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Thus, for example, the regular sale of pharmaceutical supplies to the general public by a hospital pharmacy does not lose identity as trade or business merely because the pharmacy also furnishes supplies to the hospital and patients of the hospital in accordance with its exempt purposes or in compliance with the terms of section 513(a)(2). Similarly, activities of soliciting, selling, and publishing commercial advertising do not lose identity as a trade or business even though the advertising is published in an exempt organization periodical which contains editorial matter related to the exempt purposes of the organization. However, where an activity carried on for the production of income constitutes an unrelated trade or business, no part of such trade or business shall be excluded from such classification merely because it does not result in profit.

* * * * *

(f) *Special rule respecting publishing businesses prior to 1970.* For a special rule for taxable years beginning before January 1, 1970, with respect to publishing businesses carried on by an organization, see section 513(c) of the Code prior to its amendment by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542).

* * * * *

PAR. 4. Section 1.513-2 is amended by revising paragraph (c) to read as follows:

§ 1.513-2 Definition of unrelated trade or business applicable to taxable years beginning before December 13, 1967.

* * * * *

(c) *Special rules respecting publishing businesses.* For a special rule with respect to publishing businesses carried on by an organization, see section 513(c) of the Code prior to its amendment by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542).

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[FR Doc.75-34148 Filed 12-17-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 635-75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Office of Professional Responsibility

This order establishes within the Department of Justice an Office of Professional Responsibility to be headed by a Counsel on Professional Responsibility. The Counsel's function will be to ensure that Departmental employees continue to perform their duties in accord with the professional standards expected of the Nation's principal law enforcement agency. To this end, the Office of Professional Responsibility will serve as a special review and advisory body, reporting directly to the Attorney General or, in appropriate cases, to the Deputy Attorney General or the Solicitor General.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A is amended by deleting "Office of Special Review" and by substituting in its place "Office of Professional Responsibility."

2. The existing Subpart G-2 is deleted and the following new Subpart G-2 is inserted in its place:

Subpart G-2—Office of Professional Responsibility

§ 0.39 Organization.

The Office of Professional Responsibility shall be headed by a Counsel, appointed by the Attorney General. The Counsel shall be subject to the general supervision and direction of the Attorney General or, whenever appropriate, of the Deputy Attorney General or the Solicitor General.

§ 0.39a Functions.

The Counsel on Professional Responsibility shall:

(a) Receive and review any information or allegation presented to him concerning conduct by a Department employee that may be in violation of law, of Department regulations or orders, or of applicable standards of conduct. However, this provision does not preempt the primary responsibility of internal inspection units of the Department to receive such information or allegations and to conduct investigations.

(b) Make such preliminary inquiry as may be necessary to determine whether the matter should be referred to another official within the Department.

(c) Refer any matter that appears to warrant examination in the following manner:

(1) If the matter appears to involve a violation of law, to the head of the investigative agency having jurisdiction to investigate such violations;

(2) If the matter appears not to involve a violation of law, to the head of the office, division, bureau, or board to which the employee is assigned, or to the head of its internal inspection unit;

(3) If referral to the official indicated in paragraph (c) (1) or (2) would be inappropriate, to the Attorney General and the Deputy Attorney General or, if referral to both the Attorney General and the Deputy Attorney General would also be inappropriate, to whichever of them would be proper or to the Solicitor General.

(d) Recommend to the Attorney General, the Deputy Attorney General, or the Solicitor General what further action should be undertaken with regard to any matter referred to such official under paragraph (c)(3), including the assignment of any task force or individual to undertake the action recommended and any special arrangements that appear warranted.

(e) Undertake any investigation of a matter referred under paragraph (c)(3) that may be assigned by the Attorney General, the Deputy Attorney General, or the Solicitor General, or cooperate with any other organization, task force, or individual that may be assigned by such official to undertake the investigation.

(f) Submit to the Attorney General and the Deputy Attorney General or, if submission to both would be inappropriate, to whichever of them would be proper or to the Solicitor General:

(1) An immediate report concerning any matter referred under paragraph (c)(1) or (c)(2) that should be brought to the attention of a higher official;

(2) An immediate report concerning the adequacy of any investigation of a matter referred under paragraph (c), if the Counsel believes that a significant question exists as to the adequacy of such investigation;

(3) A monthly report summarizing all matters referred under paragraph (c) during the preceding month; and

(4) An annual report, or a semi-annual report if the Counsel determines this to be necessary, reviewing and evaluating the activities of internal inspection units or, where there are no such units, the discharge of comparable duties within the Department.

(g) Submit recommendations to the Attorney General and the Deputy Attorney General on the need for changes in policies or procedures that become evident during the course of his inquiries.

(h) Undertake any other responsibilities assigned by the Attorney General, including duties relating to the improvement of the performance of the Department.

§ 0.39b Relationship to other departmental units.

(a) Primary responsibility for assuring the maintenance of the highest standards of professional responsibility by Department employees shall continue to rest with the heads of the offices, divisions, bureaus, and boards of the Department.

(b) Primary responsibility for investigating an allegation of unprofessional conduct that is lodged against an employee of the Department normally shall continue to rest with the head of the office, division, bureau, or board to which the employee is assigned, or with the head of its internal inspection unit, or, if the conduct appears to constitute a violation of law, with the head of the investigative or prosecutive agency having jurisdiction over the subject matter involved.

(c) The heads of the offices, divisions, bureaus, and boards shall provide information and assistance requested by the Counsel in connection with reviews or investigations conducted by the Counsel or by any other person assigned to conduct reviews or investigations and shall keep the Counsel informed of major investigations that they are conducting.

(d) Employees of the Department may be assigned to the Office of Professional Responsibility on a case-by-case basis to conduct such inquiries as may be warranted. However, no investigative personnel shall be assigned except under the specific direction of the Attorney General or the Deputy Attorney General and, in normal course, with the agreement of the head of the unit to which the investigative personnel are regularly assigned. Personnel assigned to the Office shall work under the direction of the Counsel.

§ 0.39c Committee on Professional Responsibility.

The Committee on Professional Responsibility shall consist of Department officials designated by the Attorney General and shall serve as an advisory body to the Counsel.

Dated: December 8, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-34124 Filed 12-17-75;8:45 am]

[Order No. 634-75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Authorizations With Respect to Personnel and Certain Administrative Matters

This order makes two technical amendments to the Department of Justice organizational regulations.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.76(g) of Subpart O is revised to read as follows:

§ 0.76 Specific functions.

* * * * *

(g) Settling and authorizing payment of employee claims under the Military and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243).

* * * * *

2. Section 0.150 of Subpart X is revised to read as follows:

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation for the FBI and the Assistant Attorney General for Administration for all other organizational units of the Department are authorized, in accordance with the regulations prescribed by the Attorney General under Section 5514(b) of Title 5, United States Code, to collect indebtedness resulting from erroneous payments to employees.

Dated: December 8, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-34125 Filed 12-17-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Safeguarding Personal Information in Veterans Administration Records

On page 51204 of the FEDERAL REGISTER of November 4, 1975, there was published a notice of proposed regulatory development to add paragraphs (h), (i), and (j) to § 1.576, Title 38, Code of Federal Regulations. These paragraphs implement the provisions of section 552a(1), title 5, United States Code insofar as they affect Veterans Administration records stored with General Services Administration, now or in the future.

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 September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: December 12, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

In § 1.576, paragraphs (h), (i) and (j) are added to read as follows:

§ 1.576 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.

* * * * *

(h) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that it maintains any agency record which it deposits with the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44, United States Code. Any such record will be considered subject to the provisions of § 1.575 series implementing 5 U.S.C. 552a and any other applicable Veterans Administration regulations. The Administrator of General Services is not authorized to disclose such a record except to the Veterans Administration, or under regulations established by the Veterans Administration which are not inconsistent with 5 U.S.C. 552a.

(i) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and was transferred to the National Archives prior to September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are not subject to the provisions of 5 U.S.C. 552a except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of 5 U.S.C. 552a) will be published in the FEDERAL REGISTER.

(j) The Veterans Administration will also, for the purposes of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and is transferred to the National Archives on or after September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are exempt from the requirements of 5 U.S.C. 552a except subsections (e)(4)(A) through (G) and (e)(9) thereof.

[FR Doc.75-34169 Filed 12-17-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 468-5]

PART 55—ENERGY RELATED AUTHORITY

Miscellaneous Amendments

On April 28, 1975 (40 FR 18438), pursuant to section 119 of the Clean Air Act

(42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246), the Administrator promulgated subpart A of Part 55 setting forth requirements for fuel burning sources eligible for compliance date extensions, temporary suspensions, and one year postponements.

To be eligible for a compliance date extension under the Energy Supply and Environmental Coordination Act of 1974 (ESECA), a source must be prohibited from using petroleum products or natural gas by reason of an order which is issued by the Federal Energy Administration (FEA) under section 2(a) of ESECA or it must have begun conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and the source must convert to the use of coal as its primary energy source after September 15, 1973. Section 55.01(b) is revised to include the latter requirement for eligibility.

The requirements published in the April 28, 1975, FEDERAL REGISTER as Subpart A of Part 55 did not set forth a definition for the phrase "converts to the use of coal as its primary energy source." Section 55.02(j) is added to define a source which "converts to the use of coal as its primary energy source" as a source which used petroleum products or natural gas to provide more than 50 percent of its heat input for the two year period ending on September 15, 1973, and which actually converts thereafter to the use of coal as its "primary energy source" (as defined at 10 CFR 303.2 of FEA's regulations).

Congress clearly intended that only sources which actually convert to coal should be eligible for compliance date extensions under section 119(c) of the Clean Air Act. For this reason, the Administrator rejected at (40 FR 18438), a proposal to consider as a converted source any historical coal burner which is subject to compliance schedule(s) to convert to natural gas or petroleum products to comply with air pollution requirements and which is ordered by the Administrator of the Federal Energy Administration to continue burning coal under section 2 of ESECA. In such a case there would be no actual conversion. The definition promulgated herein would provide that a source is eligible for a compliance date extension only if an actual conversion is required by an FEA order.

Section 55.04(q) is added to provide that the Administrator may, on his own motion, postpone the submittal of the information required under § 55.04 (a) or (b) if he finds that the State in which the source is located has submitted a plan revision to EPA for approval and such plan revision affects the source in question. This will relieve the source from having to commit itself to submitting a compliance schedule for an air pollution requirement which may not be in effect upon approval of the plan revision by EPA.

Section 55.04(a)(1)(i) is revised to delete the phrase "(before July 1, 1975)." This is simply an error since, in some cases, the source will not be able to convert to the burning of coal in compliance with all air pollution requirements until after July 1, 1975.

Section 55.04(e) is revised to provide specifically that the Administrator may set forth enforceable compliance schedules as part of any primary standard condition or regional limitation. This will allow EPA to effectively monitor the source's progress toward compliance with these requirements. Since a compliance date extension will be granted by definition in any case where the regional limitation applies, the compliance schedule for meeting regional limitation requirements should comply with the requirements set forth in § 55.04(a).

Section 55.04(a)(2)(i)(C) is revised to change "installation or process" to "installation of process." Section 55.04(n) is revised to change "(6)" to "(5)". These revisions are necessary to correct typographical or printing errors.

These rulemaking actions are effective on (date of promulgation) without proposal and the 30 day deferral of effectiveness of the promulgation. EPA believes that the changes being made to part 55 are either minor and non-controversial, or required by law, or both. In addition, the FEA coal conversion program is at a crucial stage of implementation, and to hold it up for a further round of public comment on the limited changes made by these regulations would be contrary to the Congressional intent to convert eligible plants rapidly from oil and gas use to coal use.

Accordingly, the Administrator finds that a pre-promulgation public comment period on these regulations would be "impracticable, unnecessary, or contrary to the public interest" within the meaning of 5 U.S.C. § 553(b)(B). Public comment is invited, however, for a period of 30 days following the promulgation of these rules. Interested persons may submit written comments (in duplicate) to the Division of Stationary Source Enforcement (EN-341), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Mr. Richard D. Wilson, Director. Following the close of the comment period, EPA will publish a response to any substantive comments received, together with any amendments to these regulations which seem justified in the light of those comments.

These regulations are promulgated under the authority of sections 114, 119 and 301 of the Clean Air Act as amended (42 U.S.C. 1857 et seq.).

Dated: December 12, 1975.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 55.01 is amended by revising paragraph (b)(1), deleting paragraph (b)(2) and renumbering paragraphs (b)(3) through (b)(5) to (b)(2) through (b)(4). As revised paragraph (b)(1) reads as follows:

§ 55.01 Applicability.

* * * * *

(b) The Administrator shall issue a compliance date extension to any fuel burning stationary source: (1) Which is eligible to apply for a compliance date extension because:

(i) Such source is prohibited from using petroleum products or natural gas by reason of an order which is issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 or such source began conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974; and

(ii) Such source, on or after September 15, 1973, converts to the use of coal as its primary energy source;

* * * * *

2. Section 55.02 is amended by adding paragraph (j) as follows:

§ 55.02 Definitions.

* * * * *

(j) "Converts to the use of coal as its primary energy source" means to convert from the use of more than 50 percent heat input from petroleum products or natural gas over the two year period ending on September 15, 1973, to the use of coal as a primary energy source as defined by 10 CFR 303.2.

3. Section 55.04 is amended by deleting the phrase "(before July 1, 1975)" from paragraph (a)(1)(i), changing the phrase "installation or process" to "installation of process" in paragraph (a)(2)(i)(C), changing "(6)" to "(5)" in paragraph (n), revising the first sentence of paragraph (e) and adding a new paragraph (q). The revised first sentence of paragraph (e) and new paragraph (q) read as follows:

§ 55.04 Compliance date extensions.

* * * * *

(e) The Administrator shall set forth any necessary primary standard condition, regional limitation and any interim requirements (including enforceable compliance schedules to meet such requirements) which the Administrator determines are reasonable and practicable as conditions of any plan for compliance. * * *

* * * * *

(q) The Administrator may, on his own motion, postpone the date for submittal of the information required under paragraphs (a) or (b) of this section if the State in which a source required to make such submittal is located has submitted a plan revision under 40 CFR Part 51 to the Administrator for approval, such plan revision is presently being reviewed by the Administrator, and such plan revision would revise an air pollution requirement applicable to such source.

[FR Doc.75-34160 Filed 12-17-75;8:45 am]

[FRL 470-4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to Washington Local Agencies

Pursuant to section 112(d) of the Clean Air Act, as amended, the Regional Administrator of Region X, Environmental Protection Agency (EPA), delegated to the State of Washington Department of Ecology on February 28, 1975, the authority to implement and enforce the program for national emission standards for hazardous air pollutants (NESHAPS). The delegation was announced in the FEDERAL REGISTER on April 1, 1975 (40 FR 14632). On April 25, 1975 (40 FR 18169) the Assistant Administrator for Air and Waste Management promulgated a change to 40 CFR 61.04, *Address*, to reflect the delegation to the State of Washington.

On September 22 and 23, 1975, the State Department of Ecology requested EPA's concurrence in the State's subdelegation of the NESHAPS program to four local air pollution control agencies. After reviewing the State's request, the Regional Administrator determined that the sub-delegations meet all the requirements outlined in EPA's delegation of February 28, 1975. Therefore, the Regional Administrator on October 15, 1975, concurred in the sub-delegations to the four local agencies listed below with the stipulation that all the conditions placed on the original delegation to the State shall also apply to the sub-delegations to the local agencies. EPA is today amending 40 CFR 61.04 to reflect the State's sub-delegations.

The amended § 61.04 provides that all reports, requests, applications, submittals and communications required pursuant to Part 61 which were previously to be sent to the Director of the State of Washington Department of Ecology (DOE) will now be sent to the Puget Sound Air Pollution Control Agency (PSAPCA), the Northwest Air Pollution Authority (NWAPA), the Spokane County Air Pollution Authority (SCAPA) or the Yakima County Clean Air Authority (YCCAA), as appropriate. It should be noted that the delegation to the YCCAA applies only to demolition projects containing asbestos. Other source categories located in Yakima County subject to the NESHAPS regulation should continue to address all correspondence to the Department of Ecology. The amended section is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on September 22 to the YCCAA and September 23 to the other three agencies, and it serves no useful purpose to delay the technical change of the addition of the local agency addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.

Dated: December 15, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b)(WW) is revised to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(WW) (i) Washington: State of Washington, Department of Ecology, Olympia, Washington 98504.

(ii) Northwest Air Pollution Authority, 207 Pioneer Building, Second and Pine Streets, Mount Vernon, Washington 98273.

(iii) Puget Sound Air Pollution Control Agency, 410 West Harrison Street, Seattle, Washington 98119.

(iv) Spokane County Air Pollution Control Authority, North 811 Jefferson, Spokane, Washington 99201.

(v) Yakima County Clean Air Authority, County Courthouse, Yakima, Washington 98901.

* * * * * *

[FR Doc.75-34161 Filed 12-17-75;8:45 am]

[FRL 463-2]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES; CERTIFICATION AND TEST PROCEDURES

Labeling and Importation of Catalyst Equipped Vehicles

On June 30, 1975 the Environmental Protection Agency's regulations with respect to the importation of catalyst-equipped motor vehicles were published in the FEDERAL REGISTER (40 FR 27448). A petition for reconsideration of the promulgated regulations was subsequently received by the Environmental Protection Agency (EPA) from General Motors (GM) in a letter dated August 13, 1975. In light of the comments made by GM in its petition and the need for a number of technical amendments, the Agency has elected to amend the regulations to incorporate certain changes.

The regulations promulgated June 30, 1975, deny importation, except as a bonded entry, to all motor vehicles certified with catalysts which are driven outside the United States, Canada and Mexico unless the vehicles are part of an internal control program (hereafter, catalyst control program) operated by a vehicle manufacturer, the Department of State, or the Department of Defense and approved by the Administrator. The basis for such action was that unleaded gasoline would not be generally available for use overseas and continued use of leaded gasoline would permanently impair the conversion efficiency of the catalyst. Under these conditions, the catalyst-equipped vehicle would be almost certain to exceed applicable Clean Air Act standards. The regulations included provisions which require the use of either a joint DOT/EPA or EPA doorpost label to identify catalyst-equipped vehicles in order to differentiate between those vehicles which require a bond as a condition for admission from those admissible without a bond.

In its petition, GM (1) states that the regulations are not cost-effective and therefore should be withdrawn, (2) submits several labeling alternatives (some of which were similar to prior GM submittals in response to the Notice of Proposed Rulemaking) and requests that one of these be used in lieu of the present regulatory alternatives, (3) states that an inflationary impact statement should have been issued by EPA in accordance with the President's Executive Order 11821, dated November 27, 1974, and (4) requests reconsideration of the regulations because it considers the regulations unrealistic in the type of control they envision automobile manufacturers have over individual importers.

Comments (1) and (4) of the GM petition have already been considered and rejected by the Agency in the Rulemaking process leading to the June 30, 1975 regulations. GM did not submit any new information or arguments in these areas. Comment (3) was rejected because these regulations did not fall under the purview of Executive Order 11821 in that this was not a major proposal for legislation, regulations or rules. In regard to comment (2), four additional labeling options were considered, one of which is recommended as an acceptable alternative for incorporation into the regulations.

The present regulations provide that either (1) a new label can be added to the driver's doorpost where it can be more easily seen by Customs inspectors or (2) the necessary information can be placed on the DOT label already on the doorpost. The new option will permit manufacturers to add the necessary catalyst information to the certification label under the hood. These options enable manufacturers to have maximum labeling flexibility while ameliorating any potential lead-time problems.

In addition, certain technical changes are included in these amendments to correct inadvertent omissions in the June 30, 1975 FEDERAL REGISTER publication of the final regulations. The omissions pertaining to the 1976 model year consisted of deletions in the certification and labeling sections caused by incorrect numbering of certain paragraphs and typographical deletions. There were also inadvertent omissions from the recodification of the 1977 model year certification regulations published in the June 30, 1975 FEDERAL REGISTER. It was the Agency's intent that the certification

and labeling regulations have general applicability for future model years, and therefore, the Agency is reinserting the omitted sections into the regulations.

The Agency finds it is in the public interest and that good cause exists for making these regulations effective December 18, 1975, and without receiving public comment since: (1) the technical amendments only correct inadvertent omissions in the FEDERAL REGISTER and, (2) none of the substantive changes in any way invalidate labeling procedures currently used by manufacturers as prescribed by regulation for the 1976 model year. Rather the changes provide additional labeling flexibility with no additional burden placed on either the public or the regulated industry.

These amendments are issued under the authority of sections 203, 206(a), and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857-5, 1857g(a)).

Dated: December 12, 1975.

JOHN QUARLES,
Acting Administrator.

Parts 85 and 86 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. In section 85.076-30, paragraph (a)(3) is redesignated paragraph (a)(4), a new paragraph (a)(3) is added; and paragraph (b)(2) is revised as set forth below:

§ 85.076-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) Certificates issued for vehicles certified with catalytic converters shall be subject to the following term in addition to the terms in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator." Certificates for the 1976 model year which have been issued before the effective date of this subparagraph shall be subject to this term.

* * * * *

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

2. In section 85.076-35, paragraphs (a)(4)(v) and (c) are revised as follows:

§ 85.076-35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

(c)(1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.076-1 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label: (i) The Heading: "Vehicle Emission Control Information"; (ii) The Statement: "This vehicle conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles"; (iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

3. In section 86.077-30, a new paragraph (a)(7) is added, and reads as follows:

§ 86.077-30 Certification.

(a) * * *

(7) Certificates issued for light duty vehicles or light duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

* * * * *

4. In section 86.077-35, paragraph (c) is added and reads as follows:

§ 86.077-35 Labeling.

* * * * *

(c)(1) The manufacturer of any light duty vehicle or light duty truck subject to the standards prescribed in § 86.077-8 or § 86.077-9 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information"

(ii) The Statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1977 Model Year New Motor Vehicles"

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

[FR Doc.75-34162 Filed 12-17-75;8:45 am]

[FRL 469-7; PP5F1536/R71]

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

Glyphosate

On September 23, 1974, the Environmental Protection Agency (EPA) announced (39 FR 34098) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63116, had filed a pesticide petition (PP 5F1536). This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for negligible residues of the herbicide glyphosate (*N*-(phos-

phonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on the following raw agricultural commodities:

Forage grasses at 0.2 part per million (ppm).
Soybean forage and hay at 0.2 ppm.
Grain crops at 0.1 ppm.
Soybeans at 0.1 ppm.

Monsanto Co. subsequently amended the petition by: (1) increasing the proposed tolerance for residues in soybean forage and soybean hay from 0.2 to 0.4 ppm; and (2) increasing the proposed tolerance for negligible residues in soybeans from 0.1 to 0.2 ppm.

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 tolerances are sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerances established by amending 40 CFR 180 will protect the public health, and it has been concluded, therefore, that the tolerances should be established as set forth below.

Any person adversely affected by this regulation may, on or before January 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, 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 December 18, 1975, Part 180, Subpart C, is amended by adding the new § 180.364 as set forth below.

Dated: December 11, 1975.

JOHN B. RITCH, Jr.,
Acting Deputy Assistant Administrator for Pesticide Programs.

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

Part 180, Subpart C, is amended by adding the new § 180.364 which establishes the following tolerances for combined residues of the herbicide glyphosate and its metabolite aminomethylphosphonic acid in or on raw agricultural commodities:

1. Soybean forage and hay at 0.4 part per million (ppm).

2. Forage grasses and soybeans at 0.2 ppm negligible residues (N).

3. Grain crops at 0.1 ppm (N).

§ 180.364 Glyphosate; tolerances for residues.

Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acide in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Grain crops	0.1 (N)
Grasses, forage	.2 (N)
Soybeans	.2 (N)
Soybeans, forage	.4
Soybeans, hay	.4

[FR Doc.75-34019 Filed 12-17-75;8:45 am]

[FRL 468-6; PP5F1621/R70]

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

Fluchloralin

On May 8, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20129) that BASF Wyandotte Corp., 100 Cherry Hill Rd., PO Box 181, Parsippany NJ 07054, had filed a pesticide petition (PP5F1621). This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for negligible residues of the herbicide fluchloralin (*N* - (2-chloroethyl)-*α,α,α*-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine) in or on the raw agricultural commodities cottonseed and soybeans at 0.05 part per million (ppm).

Temporary tolerances have been established previously for residues of fluchloralin on cottonseed and soybeans in connection with an experimental use permit issued to BASF Wyandotte. On February 26, 1974, the EPA gave notice (39 FR 7483) that BASF Wyandotte had been granted a temporary tolerance for negligible residues of the herbicide in or on cottonseed at 0.05 ppm. This temporary tolerance was subsequently extended for one year on March 21, 1975 (40 FR 12842) and will expire March 17, 1976. On February 10, 1975 (40 FR 6227), a temporary tolerance was established for negligible residues of fluchloralin in or on the raw agricultural commodity soybeans at 0.05 ppm which will expire February 4, 1976.

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, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerance established by amending 40 CFR 180 will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before January 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, 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 on December 18, 1975, Part 180, Subpart C, is amended by adding the new § 180.363 set forth below.

Dated: December 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Part 180, Subpart C, is amended by adding the new § 180.363 which establishes a tolerance of 0.05 part per million for negligible residues of the herbicide fluchloralin in or on the raw agricultural commodities cottonseed and soybeans, as follows:

§ 180.363 Fluchloralin; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide fluchloralin (*N* - (2 - chloroethyl) - *α,α,α* - trifluoro - 2,6 - dinitro - *N* - propyl - *p*-toluidine) in or on the following raw agricultural commodities:

Commodity	*Parts per million*
Cotton, seed	0.05 (N)
Soybeans	0.05 (N)

[FR Doc.75-34127 Filed 12-17-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5560; (OR-1943)]

OREGON

Withdrawal of Lands for Construction of Forest Development Road; Partial Revocation of Public Land Order No. 4392

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601-604 (1970), and reserved for use of the Department of Agriculture for the construction of a forest development road and for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 16 U.S.C. 532, 533 (1970):

WILLAMETTE MERIDIAN

CRESCENT CREEK ROAD

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼ and SE¼NW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of Crescent Creek Road No. 2320 in and through the above subdivisions, beginning at about station 14+00 and ending at about 28+00 as shown on map filed by the Forest Service with the Bureau of Land Management, October 25, 1974. Containing 2.1 acres more or less in Klamath County.

2. Public Land Order No. 4392 of April 1, 1968, withdrawing lands for road purposes is hereby revoked so far as it affects

the following described lands as shown on a map filed by the Forest Service on June 27, 1975:

WILLAMETTE MERIDIAN

CRESCENT CREEK ROAD

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼ and SE¼NW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of that segment of Crescent Creek Road in the above subdivisions, being relocated in land described in paragraph 1, and shown on map referred to in paragraph 1. Containing 2.5 acres more or less in Klamath County.

3. The purpose of this order is to allow for the realignment and relocation of a segment of a forest development road and for the replacement of an unsafe road bridge located on the lands described in paragraph 2 of this order.

4. The withdrawal made by this order shall not preclude entries, dispositions, or leases under applicable public land laws, of any legal subdivision traversed by any forest development road constructed on any lands withdrawn by this order: Provided, that any such entry, disposition, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 11, 1975.

[FR Doc.75-34117 Filed 12-17-75;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

CSA Policy Re Grants Funded Under Title X of the Public Works and Economic Development Act of 1965

On November 10, 1975 CSA published its rules on funding grants under Title X of the Public Works and Economic Development Act of 1965. The purpose of this filing is to correct an omission in the list of agencies/organizations whose projects were selected for funding and to delete two agencies from that list. The two agencies are to be deleted from Appendix A to subparts 1061.40–1–1061.40–9 because their projects are to be funded by another Federal agency and one agency is being added since it was inadvertently not included in Appendix A although funds have been reserved by Commerce for two of its projects. As a result of these actions, the Title X funds to be transferred to the Community Services Administration by the Department of Commerce will now total $63.9 million rather than the previously announced $64.6 million.

The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Effective: December 18, 1975.

BERT A. GALLEGOS,
Director.

In § 1061.40–1–§ 1061.40–9, Appendix A is amended as follows:

Delete: Passamaquoddy Indian Tribal Council, Pleasant Point, Perry, Maine 04667.

(a) Pleasant Point landscaping and shore reclamation $283,992

Delete: Toledo Economic Planning Association, 1810 Madison Ave., Toledo, Ohio.

(a) Energy conservation through winterization 440,000

Add: Choanoke Area Development Association, Main and 3d Sts., Murfreesboro, N.C. 27855.

(a) Low-income housing... 166,527
(b) Transportation 88,884

[FR Doc.75-34140 Filed 12-17-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Valentine National Wildlife Refuge

The following special regulation is issued and is effective on December 18, 1975.

§ 33.5 Special regulations; sport fishing for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,457 acres of water on the refuge, are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish & Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special regulations:

(1) The open season for sport fishing on the refuge during daylight hours only, will be from January 1, 1976 through December 31, 1976.

(2) Hook and line, bow and arrow, and hand spear fishing only are permitted.

(3) Boats with or without electric-type outboard motors are permitted on lakes open to sport fishing in accordance with State boating regulations. Internal combustion type motors are prohibited.

(4) The use or possession of live minnows or fish for bait or the possession of any seine or net for capturing live minnows is prohibited. Dead minnows or parts thereof, may be used as bait.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

ROBERT M. ELLIS,
Refuge Manager, Fort Niobrara-Valentine Complex, Valentine, Nebraska.

NOVEMBER 25, 1975.

[FR Doc.75-34118 Filed 12-17-75;8:45 am]

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 631—GREAT PLAINS CONSERVATION PROGRAM

Correction

In FR Doc. 75-31088, published at page 53370 in the issue dated Tuesday, November 18, 1975, the following changes should be made:

1. In table of sections, in § 631.17, first line following "payments", delete "be-". In second line preceding "between", delete "ments".

2. In paragraph (b)(2) of § 631.25, fifth line from bottom of paragraph, delete "produced" and insert "producer".

3. In paragraph (e)(1) of § 631.25, seventh line, delete "or grants".

(Catalog of Federal Domestic Assistance Program No. 10.900 National Archives Reference Services.)

DECEMBER 9, 1975.

EDWARD E. THOMAS,
Acting Administrator.

[FR Doc.75-34112 Filed 12-17-75;8:45 am]

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

[Navel Orange Regulation 358]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 19–25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.658 is added as set forth below:

§ 907.658 Navel Orange Regulation 358.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, 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 Navel Orange 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 Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues to be excellent with demand exceeding available supplies, which are limited largely because of maturity and weather. Prices f.o.b. averaged $4.25 a carton on a reported sales volume of 995 carlots last week, compared with an average f.o.b. price of $4.44 per carton and sales of 996 carlots a week earlier. Track and rolling supplies at 472 cars were up 56 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges 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, 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 Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 19, 1975, through December 25, 1975, are hereby fixed as follows:

(i) District 1: 705,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 45,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated:

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

[FR Doc.75-34347 Filed 12-17-75;11:45 am]

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

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

This document authorizes expenses of $30,500 of the Interior Grapefruit Marketing Committee, under Marketing Order No. 913, for the 1975–76 fiscal period and fixes a rate of assessment of $0.005 per standard packed box of grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 21, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 54252) regarding proposed expenses and the related rate of assessment for the period August 1, 1975, through July 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted by December 10, 1975. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1975, through July 31, 1976, will amount to $30,500.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

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

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

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

Dated: December 15, 1975.

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

[FR Doc.75-34146 Filed 12-17-75;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 50]

NATIONAL CAPITAL PARKS REGULATIONS

Demonstrations and Special Events; Permit Requirements

By court direction, the Secretary of the Interior must now undertake to revise what has heretofore been designated as the "public gathering" permit regulations appearing in section 50.19 of the Code of Federal Regulations, Title 36, Part 50. Part 50 contains the regulations specifically applicable to park areas administered by National Capital Parks, National Park Service, in the District of Columbia and its environs. The Secretary now has under consideration the proposed complete revision, set forth below, of the provisions of 36 CFR 50.19. That proposed regulation constitutes the park-use permit system governing "demonstrations" and "special events" (as defined in the proposed regulation) sought to be concluded in National Capital Parks areas.

National Capital Parks park-use permit regulation, 36 CFR 50.19, has been the subject of extensive litigation in *A Quaker Action Group* v. *Morton*. The United States Court of Appeals for the District of Columbia Circuit entered the final decision in that case (in Appeal Nos. 73–2061 and 73–2190) on January 24, 1975 amended June 25, 1975. See 516 F. 2d 717 (1975). Pursuant to that final decision of the Court of Appeals, the United States District Court for the District of Columbia entered its order on mandate implementing the Court of Appeals decision, *A Quaker Action Group* v. *Kleppe*, Civ. No. 688–69 (D.D.C. Nov. 21, 1975). This order on mandate specifically requires that the Secretary amend the provisions of 36 CFR 50.19 in certain respects and provides a time framework for the Secretary's rulemaking proceedings. The present rulemaking proceedings are designed to carry out the Secretary's responsibilities under the District Court order on mandate.

Because this order on mandate is the essential basis for the present proposed revision of the park-use permit system, the relevant portions of that order are set out as follows:

Ordered: 1. That the 100/500 limitations on demonstrations on the sidewalk in front of the White House and in Lafayette Park contained in the August, 1967, memorandum of T. Sutton Jett and subsequently incorporated in the revised Regulations of the Department of the Interior are invalid and void as an unconstitutional infringement of the plaintiffs' rights to freedom of speech and to assemble peacefully and petition that Government for a redress of grievances.

2. That any limitation of less than 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park is invalid and void as an unconstitutional infringement of plaintiffs' rights to freedom of speech and to assemble peaceably and petition the Government for a redress of grievances.

a. The Defendant Secretary of the Interior shall issue an amendment to the provisions of 36 CFR § 50.19 which shall provide for minimum limitations equal to or greater than 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park respectively, and which shall supersede the Secretary's Notice published on September 6, 1973 at 38 F.R. 24218.

b. Such amendment shall make provision for a waiver procedure under which the minimum limitation applicable to Lafayette Park may be waived by the Secretary under appropriate standards, including a requirement that applicants make an adequate showing that their proposed demonstration had been planned and would be patrolled in such fashion as to render unlikely any substantial risk to the occupants or officers of the White House or adjoining office buildings. Provision may also be made therein of a requirement that applicants furnish more information for waiver requests than they must for ordinary permit applications, including information as to the capability of the sponsors to establish crowd control techniques and to supply emergency aid and facilities.

c. Once such a waiver procedure is established for Lafayette Park, as required by (b) above, and the Secretary's experience thereunder over a reasonable period of time indicates the practicability thereof, the Secretary shall by further amendment to 36 CFR § 50.19 consider the extension of a like waiver to the minimum limitation applicable to the White House sidewalk.

d. Pending the amendments to 36 CFR § 50.19 as provided in this Order, there shall be effective a limitation of 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park respectively, unless the limitation shall be waived by the Secretary for good cause shown, and during this period if application is made for waiver and refused by the Secretary, the applicant may apply to this Court in this cause for a waiver.

3. That the permit requirement of 36 CFR § 50.19 does not confer impermissibly broad discretion on government officials to grant or deny permits in violation of First Amendment rights except as set forth in this paragraph and in paragraphs 1 and 2 of this Order. In order that the permit system of 36 CFR § 50.19 falls within limits imposed by the First Amendment, the Secretary shall, after appropriate rule-making proceedings, issue amendments to 35 CFR § 50.19 in accordance with this Order.

a. Such amendments shall define the activities subject to the permit requirement in terms which will ensure that the regulation does not impermissibly discriminate against First Amendment activities. Any distinctions upon which such definition is based must turn on security criteria rather than on free speech criteria.

b. Such amendments shall provide specific implementing standards for denial or withdrawal of an individual permit and shall provide for principled consideration under such standards by an official of responsible rank and function.

c. Such amendments shall remove the exemption from the permit requirement of "NPS events," and, if the Secretary determines to retain the designation "NPS events," shall prescribe express standards governing the grant or denial of such designations. Similar designations of events to receive preferential treatment under the permit system shall also be the subject of express standards and procedures as to grant or denial of such designations.

d. Such amendments shall provide that an application for a permit is to be deemed granted unless within 24 hours after submission a written statement of reasons for denial is furnished. The requirement that applications be submitted at least 48 hours in advance of public gatherings is valid.

e. The *per se* ban on continuous public gatherings lasting beyond 24 hours or beyond 7 consecutive days is illegal and void. However, the Secretary may require, and amendments to 36 CFR § 50.19 may provide, that any permit for a period beyond a specified duration is subject to displacement if other applicants seek a permit which does not admit of double occupancy.

f. The restrictions on rush hour public gatherings are valid.

g. The ban on the use of sound amplification system on the White House sidewalk is valid.

h. The requirement of marshals for simultaneous public gatherings in Lafayette Park and the White House sidewalk is valid.

4. That, in taking the actions directed by paragraphs 2 and 3 of this Order, the defendants shall consider those alternatives less restrictive of public gatherings suggested by the Court of Appeals, including a notice system instead of a permit system, the exemption of smaller gatherings from any requirements, waiver of rush hour provisions, and the strengthening of the White House fence.

* * * * *

A Quaker Action Group v. *Kleppe*, Civ. No. 688–69 (D.D.C., Nov. 21, 1975) * * *.

In complying with the provisions of the above quoted court order on mandate, the Secretary has given due reflective consideration to the legitimate park value and the security concerns operative in the National Capital Parks areas. In this connection, attention is invited to the Secretary's "Prefatory Statement" which accompanied publication of the earlier 36 CFR 50.19 revision in proposed form on July 17, 1970 (35 FR 11485, et seq.). The Secretary's pertinent policy judgments and discussion with regard to park value and security concerns as contained therein are incorporated here by reference. The present proposed regulation set forth below is intended to comply with the requirements of the court order on mandate, accommodating the speech-related and associational interests involved, while yet protecting the legitimate park value and security concerns discussed in the Secretary's "Prefatory Statement" of July 17, 1970.

The present proposed revision to 36 CFR 50.19 retains the park use permit system. It undertakes with more precision to define the speech-related, associational and recreational activities which are subject to the permit requirement under the regulation. Those activities requiring a permit are classified into two categories: one is termed "demonstrations" and the other "special events". The essential characteristic of both is that those activities have an effect, intent or propensity to draw a crowd of onlookers. By specifying this essential characteristic, the proposed regulation means to encompass by the permit requirements solely those forms of conduct which either by their purpose or nature are likely to draw persons into an area in greater numbers than ordinarily occur when casual use is made by park visitors or tourists in the particular park area.

This essential characteristic of the use of park areas for speech-related, associational, or recreational purposes affects the Park Service's planning and ability to maintain an effective level of protection in the particular park area. The proposed permit provisions set forth below are calculated to allow the Park Service sufficient notice and control over such speech-related, associational or recreational use of park areas, so as to insure that proper security precautions and augmentation of forces may be undertaken to meet contingencies as required by the circumstances. It is considered that this fully conforms to the court mandate that the Secretary's permit requirement distinctions turn on security rather than free-speech criteria.

The present proposed regulation, in distinguishing between "demonstrations" and "special events", seeks to achieve a better accommodation of speech-related (and connected associational) activities than is considered desirable for other associational activities. The term "demonstrations" encompasses activities which have as their primary purpose the communication or expression of views or grievances. The term "special events" is defined so as to encompass all other associational activities within the reach of the regulation, e.g. recreational (including entertainment) activities that have the indicated effect, intent or propensity to draw onlookers. The proposed regulation extends preferred treatment to speech-related (and connected associational) activities in a number of respects.

However, no distinction is made between demonstrations and special events, insofar as priority of access to park areas is concerned. Use of park land is on a first-come, first-served basis. The use of a particular park area will be granted in order of receipt of fully executed permit application forms. Also, there are certain annually recurring "national celebration" events which are listed in section (d)(1) of the proposed regulation. These special events are given use of the specific park sites for the dates listed. This priority of use is based strictly on the first-come, first-served basis. It is noted that these annually recurrent events are planned and budgeted for the same park areas and times year after year. This is considered to be in accord with the Court of Appeals expressed views. See 516 F. 2d at 729.

Demonstrations are otherwise given preferred treatment over special events in the following respects: Demonstrations are permitted in Lafayette Park and on the White House sidewalk, whereas special events are not. Demonstrations are permitted to continue in duration beyond a specified time period, unless another application seeks use of the area which does not admit of double occupancy. Special events are not permitted to continue beyond the specified period even though no other applicant has requested use of the area. Demonstration permit applications are deemed granted unless denied within 24 hours of receipt. But special events applications require that written permits be granted or denied within a reasonable time. Also, special events will not be permitted if the criteria outlined in section (e)(6) of the proposed regulation are not met. Those criteria are designed to reduce the total number of special events occurring on park lands so as to minimize the impact on park resources and to assure that the proposed programs are not inconsistent with the purposes for which the park is established, can be permitted consistent with a reasonable allocation of the park budgetary resources, and are not duplicative of other events offered in the park or other nearby areas. No such requirements are imposed on demonstration activities.

It is considered that the preferential treatment accorded speech-related (and connected associational) activities, and the elimination of "NPS events" (thereby requiring permits for all activities subject to the regulation, including those presented by the National Park Service) meet the requirement of paragraph 3c of the District Court order on mandate.

With regard to Lafayette Park and the White House sidewalk, the proposed regulation adopts the limitation of 750 persons for the White House sidewalk and 3,000 persons for Lafayette Park. The 3,000 person limitation for Lafayette Park may be waived upon an adequate showing by the applicant that the proposed demonstration will be patrolled in such a fashion as to render unlikely any substantial risk to the occupants or officers of the White House or adjoining office buildings. In this connection the applicant seeking the waiver must provide certain information with regard to the number of demonstration marshals to be furnished, their training and experience, emergency crowd control techniques to be utilized and the type and amount of emergency aid and facilities to be furnished. The District Court order provides that upon implementation of the waiver procedure for Lafayette Park, if the practicality thereof is indicated by experience over a reasonable period of time, the Secretary must consider further amendment of 36 CFR 50.19, so as to extend the waiver provision to demonstrations on the White House sidewalk. This will be considered by the Secretary in further rulemaking proceedings at a later time.

The proposed regulation also provides express standards for the denial or revocation of permits as required by paragraph 3b of the District Court order. It allows denial of a demonstration or special event permit by the Director or his authorized delegate if the area requested has been or will be committed to another group; the activity will present a clear and present danger to the public safety, good order, or health; the activity proposed cannot reasonably be accommodated in the area requested (in which case an alternative area will be proposed); or the application proposes activities contrary to applicable laws or regulations. The regulation requires (section f) that revocation of a demonstration permit in advance of the conduct of the demonstration be personally approved by the Director, National Capital Parks, or in his absence or unavailability, by an authorized delegate of responsible rank and function. It further provides that such revocation must be based upon the standards contained in subsection (d). The regulation provides for revocation of a demonstration permit during the course of the demonstration by the ranking U.S. Park Police supervisory official in charge if continuation of the demonstration presents a clear and present danger to public safety, good order, or health, or for any violations of applicable law or regulation. Permits for special events are revocable at any time in the reasonable discretion of the Director or his delegate.

The proposed regulation retains the requirement that a permit for activities proposed for the White House area (Lafayette Park, the White House sidewalk and the Ellipse) must be filed so as to be received by the Director, National Capital Parks at least 48 hours in advance of the proposed activity. The proposed regulation extends this provision to all other park areas where a permit is required. In accord with paragraph 3d of the District Court order, the proposed regulation provides that demonstration applications will be deemed granted within 24 hours of receipt unless a written denial of the application is issued upon the approval of the Director. It also requires that applications be received during the hours from 8:00 am to 4:00 pm, Monday through Friday, except legal holidays. Applications will be immediately date-and-time stamped upon receipt and the time periods will begin from the stamped date and time. This provision for official receipt only during office hours is designed to permit the Park Service to properly process applications within the prescribed time period. The proposed regulation also provides that applications for special events will be processed with reasonable promptness. The 24-hour time limitation does not apply to applications for special events.

The provision in the current regulation prohibiting activities lasting beyond 24 hours or beyond seven consecutive days has been eliminated from the proposed regulation pursuant to the direction in paragraph 3c of the District Court order.

However, a provision has been included in the present proposed regulation limiting activities in the White House area to seven days, except that activities are permitted on the Ellipse for a period of three weeks. For all other park areas, the duration limitation is three weeks. This duration restriction applies to all special events. However, with respect to demonstration, the activity will be permitted to continue beyond the specified time periods, unless another application seeks a permit for use of the area which would not admit of double occupancy. The National Park Service will begin permitting activities under the revised duration restrictions immediately. However, with respect to those activities for which permits have already been granted and the activity planned in such a fashion that compliance with the duration limits would work an undue hardship, those activities will be permitted for the time periods and areas already authorized.

In accord with the provisions of paragraph 4 of the District Court order, the Department of the Interior together with representatives of the United States Secret Service has considered those alternatives less restrictive of public gatherings suggested by the Court of Appeals, including a notice system instead of a permit system, the exemption of smaller gatherings from any requirements, the strengthening of the White House fence and waiver of rush hour provisions. It has been determined that a notice system would not serve effectively to protect the legitimate park value and security concerns involved and in particular would create unreasonable burdens in coordinating simultaneous multiple demonstrations and special events activities. The exemption of smaller gatherings likewise was not considered feasible, because of the possibility that the proliferation of numerous simultaneous small gatherings would impart like burdens as one large gathering, and their overlapping with large gatherings would create myriad security and enforcement problems. Strengthening the White House fence was also considered. It was felt that a fence of sufficient character would amount to a solid wall which would create an undesirable garrison-type appearance and which would deprive visitors of a view of the White House.

It has been determined that the restrictions on activities during rush hour periods may be waived upon a showing that the proposed activity will not unreasonably interfere with rush hour traffic. This waiver provision is incorporated within § 50.19(e)(5) of the proposed regulation.

While it is the tentative judgment of the Secretary that these other methods do not afford sufficient control to provide protection to the operative park value and security interests in the area, the views of the public, in this regard are earnestly solicited, in the manner noted below, and will be given reflective consideration.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in these rulemaking proceedings by submission of written comments to the Director, National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242. All comments received on or before February 17, 1976, will be considered. The Service will attempt to acknowledge individual comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours (8 am–4 pm, Mon.–Fri.) at the Director's Office, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Acts of August 25, 1916, (16 USC 1, et. seq.) and July 1, 1898, (8 D.C. Code 108, et. seq.) and all laws amendatory and supplementary thereto and pursuant to the order on mandate issued by the United States District Court for the District of Columbia in *A Quaker Action Group* v. *Kleppe*, Civ. No. 688-69 (D.D.C. Nov. 21, 1975).

Dated: December 12, 1975.

NATHANIEL P. REED,
Acting Secretary of the Interior.

Accordingly, it is hereby proposed to revise § 50.19 to read as follows.

§ 50.19 Demonstrations and special events.

(a) Definitions:

(1) The term "demonstrations" includes demonstrating, picketing, speechmaking, marching, holding of vigils and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(2) The term "special events" includes sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events (including such events presented by the National Park Service), which are not demonstrations under (1) above, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(3) The term "national celebration events" means the annually recurring special events regularly scheduled by National Capital Parks, which are listed in (d)(1) below.

(4) The term "White House area" means all park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue, NW.; on the north, H Street, NW.; on the east, 15th Street, NW.; and on the west, 17th Street, NW.

(5) The term "White House sidewalk" means the south sidewalk of Pennsylvania Avenue, NW., between East and West Executive Avenues, NW.

(6) The term "Lafayette Park" means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Pennsylvania Avenue, NW.; on the north, H Street, NW.; on the east, Madison Place, NW.; and on the west, Jackson Place, NW.

(7) The term "Ellipse" means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue, NW.; on the north, E Street, NW.; on the west, 17th Street, NW.; and on the east, 15th Street, NW.

(8) The term "Kennedy Center" means the areas, under the administration of the National Park Service within the National Cultural Institution known as the Kennedy Center and the sidewalks immediately surrounding that National Institution.

(9) The term "Lincoln Memorial" means the park areas enclosed by Lincoln Memorial Circle roadway.

(10) The term "Jefferson Memorial" means the circular portion of the Jefferson Memorial enclosed by the outermost series of columns, and all portions on the same levels or above the base of those columns.

(11) The term "Washington Monument" means the structure known as the Washington Monument and all space extending ten feet from the paved area surrounding its base, and the sidewalk from that base extending to 15th Street, and ten feet on either side thereof.

(12) The term "Constitution Gardens" means the park area within these bounds: on the north, Constitution Avenue, NW.; on the south, the north reflecting pool walk extending westerly from 17th Street, NW. to Bacon Drive, NW.; on the east, 17th Street, NW.; and on the west, Bacon Drive, NW.

(13) The term "Director" means the Director, National Capital Parks, National Park Service, U.S. Department of the Interior, or his authorized representative.

(14) The term "other park areas" includes all areas, including sidewalks adjacent thereto, other than the White House area, administered by National Capital Parks.

(b) Demonstrations and special events may be held only pursuant to a permit issued in accordance with the provisions of this section, except that demonstrations may be held in the following park areas without an official permit, provided that the conduct of such demonstrations is reasonably consistent with the protection and use of the indicated park area and the other requirements of this section:

(1) *Franklin Park.* Thirteenth Street, between I and K Streets, NW., for no more than 500 persons.

(2) *McPherson Square.* Fifteenth Street, between I and K Streets, NW., for no more than 500 persons.

(3) *U.S. Reservation No. 31.* West of 18th Street and south of H Street, NW., for no more than 100 persons.

(4) *Rock Creek and Potomac Parkway.* West of 23rd Street, south of P Street, NW., for no more than 1,000 persons.

(5) *U.S. Reservation No. 46.* North side of Pennsylvania Avenue, west of Eighth Street and south of D Street, SW., for no more than 25 persons.

(c) Permit applications shall be submitted to the Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242. Permit applications shall be submitted in writing on a form provided by the National Park Service so as to be received by the Director at least 48 hours in advance of any proposed demonstration or special event. Forms shall be received only during the hours of 8 a.m.–4 p.m., Monday through Friday, holidays excepted. All demonstration applications, except those seeking waiver of the numerical limitations applicable to Lafayette Park (e)(2), shall be deemed granted, subject to all limitations and restrictions applicable to said park, unless denied within 24 hours of receipt. However, where a permit has been granted, or is deemed to have been granted pursuant to this subsection, the Director may revoke that permit pursuant to section (f).

(1) *White House area:* No permit shall be issued authorizing demonstrations, except for the White House sidewalk, Lafayette Park and the Ellipse. No permit shall be issued authorizing special events, except for the Ellipse, and except for annual commemorative wreath-laying ceremonies relating to the status in Lafayette Park.

(2) *Other park areas:* No permit shall be issued authorizing demonstrations or special events in the following other park areas:

(i) The Washington Monument, except for the official annual commemorative Washington birthday ceremony.

(ii) The Kennedy Center.

(iii) The Lincoln Memorial, except for the official annual commemorative Lincoln birthday ceremony.

(iv) The Jefferson Memorial, except for the official annual commemorative Jefferson birthday ceremony.

(v) Constitution Gardens.

(d) Permit application for demonstrations and special events shall be processed in order of receipt, and the use of a particular area shall be allocated in order of receipt of fully executed applications, subject to the limitations set forth in this section, provided that a permit may be denied in writing upon the personal approval of the Director, or, in his absence or unavailability by an authorized delegate of responsible rank and function upon the following grounds:

(1) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted on an "exclusive" use basis; provided, however, that the following national celebration events shall have priority use of the particular park area during the indicated period, as follows:

(i) *Christmas Pageant of Peace:* In the oval portion of the Ellipse only, during approximately the last three weeks in December.

(ii) *President's Cup Regatta:* In East Potomac Park for approximately two days during the first week in June.

(iii) *Cherry Blossom Festival:* In the Japanese Lantern area adjacent to the Tidal Basin and on the Ellipse and the Washington Monument Grounds adjacent to Constitution Avenue, NW., between 15th and 17th Streets, NW., for one day during the first two weeks in April.

(iv) Fourth of July Celebration: On the Washington Monument Grounds.

(v) Festival of American Folklife: In the areas bounded on the south by Independence Avenue, NW.; on the north by a line running adjacent to the south side of the Reflecting Pool between 17th Street, NW., and Lincoln Memorial Circle; on the east by 17th Street, NW.; on the west by Lincoln Memorial Circle and 23rd Street, NW., for two week period in approximately late June and early July.

(vi) Columbus Day Commemorative Wreath-Laying: At the Columbus statue on the Union Plaza on Columbus Day.

(2) It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.

(3) The proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; in that event, an alternate site, if available for the activity, shall be proposed by the Director to the applicant; in this connection, the Director shall reasonably take into account possible damage to the park, including trees, shrubbery, other plantings, park installations and statues.

(4) The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.

(e) Issuance of permits shall be subject to the following limitations:

(1) No more than 750 persons shall be permitted to conduct a demonstration on the White House sidewalk at any one time.

(2) No more than 3,000 persons shall be permitted to conduct a demonstration in Lafayette Park at any one time. The Director may waive the 3,000 person limitation for Lafayette Park upon a showing by the applicant that the proposed demonstration has been planned and will be patrolled in such a fashion so as to render unlikely any substantial risk to legitimate public interests in the area. In making a waiver determination the Director shall consider and the applicant shall furnish the following information at least 15 days in advance of the proposed demonstration.

(i) Number of marshals to be furnished.

(ii) The training these marshals have received including a brief summary of that training.

(iii) The experience of these marshals in crowd situations including a brief summary of those experiences.

(iv) The equipment to be furnished marshals including number of portable radios, power and frequency.

(v) The means by which marshals shall be identified.

(vi) A summary of proposed marshal functions including emergency contingency plans.

(vii) List of emergency facilities to be provided including first aid and sanitary facilities.

(3) No permit shall be issued for a demonstration on the White House sidewalk and in Lafayette Park at the same time, except under the following conditions:

(i) Any demonstrator overages above those specified in (e)(1–2) shall proceed to the Ellipse via 15th Street and/or 17th Street (or shall proceed to some other agreed-upon designated park site) and shall there conduct their demonstration activities; and

(ii) The organization, group, or other sponsor of such demonstration shall undertake in good faith all reasonable action—including the provision of sufficient marshals—to insure good order and self-discipline in carrying on such demonstration, including any necessary movements of persons, so that the numerical limitations prescribed in (e)(1–2) shall be observed at all times on the White House sidewalk and in Lafayette Park.

(4) No permit shall be issued authorizing demonstrations or special events in excess of the time periods below provided that these periods shall be extended for demonstrations only, unless another application requests use of the particular area and said application precludes double occupancy:

(i) White House area, except the Ellipse: Seven days.

(ii) The Ellipse and all other park areas: Three weeks.

(5) No demonstration or special event shall be permitted to be held between the hours of 7:00–9:30 a.m. and 4:00–6:30 p.m., except on Saturdays, Sundays, and legal holidays. If it shall be made to appear to the satisfaction of the Director that the holding of a particular demonstration or special event will not unreasonably interfere with rush-hour traffic, this requirement will be waived by the Director.

(6) No special event shall be permitted unless approved by the Director. In determining whether to approve a proposed special event, the Director shall consider and base his determination upon the following criteria:

(i) Whether the objectives and purposes of the proposed special event relate to and are within the basic mission and responsibilities of National Capital Parks, National Park Service.

(ii) Whether the park area requested is reasonably suited in terms of accessibility, size, and nature of the proposed special event.

(iii) Whether the proposed special event can be permitted within a reasonable budgetary allocation of National Park Service funds considering the event's public appeal, and the anticipated participation of the general public therein.

(iv) Whether the proposed event is duplicative of events previously offered in National Capital Parks areas or elsewhere in or about Washington, D.C.

(v) Whether the activities contemplated for the proposed special event are in conformity with all applicable laws and regulations.

(7) In connection with permitted demonstrations or special events, temporary structures (including speakers' stands, platforms, lecterns, chairs, portable sanitary facilities and press and news facilities) reasonably necessary for the conduct of the demonstration or special event shall be permitted, provided prior notice has been given to the Director, except that:

(i) No structures shall be permitted on the White House sidewalk.

(ii) All such temporary structures shall be erected in such a manner so as to cause the least possible damage to park property and basic park values and shall be removed as soon as practicable after the conclusion of the permitted demonstration or special event.

(iii) The Director may impose reasonable restrictions upon the temporary structures permitted, in the interest of protecting the park areas involved, traffic and public safety considerations, and other legitimate park value concerns.

(iv) Any structures utilized in a demonstration extending in duration beyond the time limitations specified in (e)(4)(i) and (ii) must upon 24 hours notice be capable of being removed and the site restored or the structure secured in such a fashion so as to not unreasonably interfere with use of the park area by other permittees authorized under this section.

(8) In connection with permitted demonstrations or special events, sound amplification equipment reasonably necessary for the conduct of the demonstration or special event shall be permitted, provided prior notice has been given to the Director, except that:

(i) No sound amplification equipment shall be used on the White House sidewalk, other than hand-portable sound amplification equipment which the Director determines, in the exercise of his judgment, is necessary for crowd-control purposes.

(ii) The Director reserves the right to limit the sound amplification equipment, so that it will not unreasonably disturb nonparticipating persons, or in the vicinity of, the area.

(9) Authorized permits may contain additional reasonable conditions and additional time limitations, consistent with this regulation, in the interest of protecting the park site, the use of nearby areas by other persons, and other legitimate park value concerns.

(f) A permit issued for a demonstration is revocable only upon a ground for which an application therefore would be subject to denial under (d) or (e)

above. Any such revocation, prior to the conduct of the demonstration, shall be in writing and shall be personally approved by the Director, or, in his absence or unavailability, by an authorized delegate of responsible rank and function. During the conduct of a demonstration, a permit may be revoked by the ranking U.S. Park Police supervisory official in charge if continuation of the event presents a clear and present danger to the public safety, good order or health or for any violations of applicable law or regulation. A permit issued for a special event is revocable, at any time, in the reasonable discretion of the Director or his authorized delegate.

[FR Doc.75-34100 Filed 12-17-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ARBITRAGE BONDS

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-32607, appearing at page 56448 in the issue for Wednesday, December 3, 1975, make the following changes:

1. In the preamble, in the middle column on page 56448, in the first paragraph after the signature, correct the following:

a. In the 9th line change "§ 1.4" to read "§ 13.4".

b. In the last line, change "(8 FR 10927)" to read "(38 FR 10927)".

2. In the second paragraph after the signature in the preamble, in the sixth line, change "(7 FR 10946)" to read "(37 FR 10946)".

3. In the third paragraph after the signature, correct the following:

a. In the third line, after the word "before" insert the date "January 2, 1976".

b. In the tenth line, after the word "After" insert the date "January 1, 1976".

c. In the 13th line, after the word "after", insert the date "January 2, 1976".

[26 CFR Part 1]

ARBITRAGE BOND

Correction

On December 3, 1975, notice of proposed rule making under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, was published in the FEDERAL REGISTER (40 FR 56448). These proposed regulations are corrected by adding a new sentence between the second and third sentences in § 1.103-14(e)(2)(ii) (page 56450). This new sentence reads as follows: "Those proceeds of the prior issue which are invested in materially higher yield acquired obligations pursuant to the provisions of paragraph (d) of this section or § 1.103-13(b)(1)(ii) shall be the last proceeds which become transferred proceeds."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-34149 Filed 12-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of South Texas onions, would impose minimum grade, size and container standards and require inspection of fresh market shipments to keep undesirable onions from being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1976 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 8.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday may be shipped from March 8 through May 8, 1976, similar to last season. However, this season in order to provide more orderly marketing from all districts, the inspection and container requirements are proposed to be extended through June 12, 1976.

The proposed container requirements should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. One change of a minor nature would be the proposed increase in the long dimension of the 50-pound pack from 38½ to 39½ inches. The committee has been informed by handlers that the additional length would result in easier closure of the bags and greatly improve packing operations. The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 100 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The proposals with respect to special purpose shipments are recommended to allow the shipment of onions for experimental purposes or the use of containers which have been the subject of test shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity should be exempt from inspection and assessment requirements since no useful purpose would be served by regulating such shipments.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 2, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed to add § 959.316 to read as follows:

§ 959.316 Handling regulation.

During the period March 8-June 12, 1976, no handler may package or load onions on any Sunday, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the assessment requirements of § 959.216 and the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section except the grade and size requirements of paragraphs (a) and (b) and the Sunday packaging prohibition shall terminate at 11:59 p.m. on May 8, 1976.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be

permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small" 1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) "Tolerances for size in the U.S. onion standards shall apply except that for 'repacker' and 'medium' sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply."

(c) *Container requirements.* (1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraph (e) or (f)(3) of this section, unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2, 3 or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section and if they are handled in accordance with the reporting requirements established in paragraph (f)(2) of this section on such shipments: *Provided,* That shipments of 2, 3 and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms, and with outside dimensions of such bags not greater than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "FOR EXPORT ONLY" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such reports shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. The use of bulk bins for expiremetal shipments would be authorized for the first time this season, provided certain safeguard and reporting requirements are met. Such bulk bins have been successfully used for other products, and this proposal would permit handlers to test the feasibility of such containers for commercial shipments. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. Also the receiver must agree to furnish the committee with a report on the arrival condition of each shipment. Further, upon approval of the committee onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60 provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: December 12, 1975.

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

[FR Doc.75-34089 Filed 12-17-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.1]

RURAL HOUSING LOANS AND GRANTS

Section 502 Rural Housing Loan Policies, Procedures and Authorizations

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the addition of Exhibit G to Subpart A of Part 1822, Chapter XVIII, Title 7 of the Code of Federal Regulations (39 FR 44993; 40 FR 42178; 40 FR 42736). The proposed Exhibit G lists those areas which are eligible for FmHA financial assistance for housing as rural areas pursuant to section 520 of the Housing Act of 1949, as amended by section 511 of the Housing and Community Development Act of 1974 (P.L. 93-383), because they have populations in excess of 10,000 but not in excess of 20,000, are not located in a standard metropolitan statistical area, and have

a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development. The proposed Exhibit G also lists those areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in a standard metropolitan statistical area, and which are not eligible for FmHA financial assistance for housing as rural areas pursuant to section 520 of the Housing Act of 1949, as amended, because they have been determined to be effectively utilizing the mortgage insurance programs of the Federal Housing Administration (FHA) in the Department of Housing and Urban Development (HUD) and accordingly do not have a serious lack of mortgage credit. Since the determinations required represented a highly subjective judgment, the criteria established to make that judgment were set so as to include on the eligible list all communities where any questions concerning the effectiveness of HUD/FHA programs existed. Therefore, the inclusion of a community on the list does not necessarily represent a definitive judgment by HUD as to the effectiveness of HUD/FHA mortgage insurance programs there.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed Exhibit G on or before January 19, 1976, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, Farmers Home Administration, during regular business hours (8:15 a.m.—4:45 p.m.).

As proposed, Exhibit G reads as follows:

EXHIBIT G—RURAL AREAS OF 10,000 TO 20,000 POPULATION

1. *Purpose.* This Exhibit G lists those areas which are eligible for FmHA programs as rural areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in a Standard Metropolitan Statistical Area (SMSA) and have a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development. The Exhibit G also lists those areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in an SMSA, and have been determined to be effectively utilizing the mortgage insurance programs of the Federal Housing Administration and accordingly do not have a serious lack of mortgage credit. These areas are not rural areas eligible for FmHA housing programs. State Directors are authorized to identify by list and maps the eligible areas in appropriate State regulations in accordance with this Exhibit.

2. *Eligible areas.* The areas eligible for FmHA assistance by State are:

ARKANSAS

Camden	Russellville
Magnolia	Searcy
Paragould	Stuttgart

CALIFORNIA

Arcata	Ukiah

COLORADO

Canon City and East Canon City	Durango
	Sterling

CONNECTICUT

Willimantic

FLORIDA

Lake City	Palatka
Port Charlotte	

GEORGIA

Americus	Newman
Carrollton	Statesboro
Cartersville	Thomaston
Cordele	Tifton
Douglas	

IDAHO

Moscow

ILLINOIS

Canton	Marion
Centralia	Monmouth
Charlestown	Mt. Vernon
Dixon	Ottawa
Effingham	Streator
Herrin-Energy	Taylorville
Lincoln	

INDIANA

Bedford	Madison
Connersville	Peru
Crawfordsville	Seymour
Frankfort	Wabash
Huntington	Washington
Logansport	

IOWA

Boone	Newton
Fort Madison	Oskaloosa
Keokuk	Spencer

KANSAS

Atchinson	Liberal
Chanute	McPerson
Coffeyville	Newton
Hays	Ottawa
Independence	Parsons

KENTUCKY

Danville	Middlesboro
Elizabethtown	Murray
Glasgow	Richmond
Madisonville	Somerset
Mayfield	

LOUISIANA

Abbeville	Morgan City
Eunice	Thibodaux
Jennings	

MAINE

Sanford

MARYLAND

Cambridge

MASSACHUSETTS

Adams Center	West Dennis
Greenfield	Dennis Port
Hyannis	South Dennis
West Yarmouth	North Adams
South Yarmouth	

MICHIGAN

Alma	Escanaba
Alpena	Iron Mountain-Kingsford
Big Rapids	
Cadillac	Sault Ste. Marie

MINNESOTA

Bedmidji	New Ulm
Breckenridge	Northfield
Cloquet	Owatonna
Fairmont	Worthington
Fairbault	

MISSISSIPPI

Brookhaven	Oxford
Corinth	Starkville
McComb	

MISSOURI

Carthage	Mexico
Fulton	Moberly
Hannibal	Poplar Bluff
Kirksville	Rolla
Kennett	Warrensburg
Marshall	

MONTANA

Anaconda	Kalispell
Havre	

NEBRASKA

Beatrice	Norfolk
Columbus	Scottsbluff
Kearney	

NEW HAMPSHIRE

Berlin	Rochester

NEW MEXICO

Gallup	Portales
Las Vegas	Los Alamos

NEW YORK

Batavia	Olean
Massena	Oneonta
Ogdensburg	

NORTH CAROLINA

Albemarle	Morganton
Cherry Point	New Bern
Elizabeth City	Roanoke Rapids-Gaston
Henderson	
Lenoir	Sanford
Lumberton	Shelby
Mt. Airy-Toast-Bannertown	Tarboro-Princeville

NORTH DAKOTA

Dickinson	Wahpeton
Jamestown	

OHIO

Bucyrus	Mount Vernon
Conneaut	Norwalk
Coshocton	Salem
Defiance	Washington Courthouse
Fostoria	
Fremont	Wooster
Galion	Cambridge
Greenville	

OKLAHOMA

Ada	Okmulgee
Durant	McAlester
Miami	

OREGON

Astoria	McMinnville
Grants Pass	Pendleton
La Grande	

PENNSYLVANIA

Appollo-Vandergrift	Greenville
Athens-Sayre-South Waverly	Connelsville
Berwick	Grove City
Bloomsburg	Lewiston
Bradford	Lockhaven
Chambersburg	Meadville
Clearfield	Oil City
DuBois	Sunbury
Franklin	Warren
Indiana	Waynesboro

PUERTO RICO

Cosmo	San German
Fajardo	Utuado
Humacao	Vega Baja
Manati	Yauco

SOUTH CAROLINA

Beaufort	Union
Lancaster	

SOUTH DAKOTA

Brookings	Watertown

TENNESSEE

Athens	McMinnville
Cookeville	Shelbyville
Elizabethton	Tullahoma
Greenville	Union City

TEXAS

Bay City	Kerrville
Beeville	Lamesa
Brownwood	Port Lavaca
Eagle Pass	Uvalde
Gainesville	Vernon
Henderson	

VERMONT

Essex Junction	Montepelier-Barre Complex

VIRGIN ISLANDS

Charlotte Amalie

VIRGINIA

Covington	Radford
Harrisonburg	Winchester
Pulaski	

WASHINGTON

Centralia	Oak Harbor
Ellensburg	Port Angeles

WEST VIRGINIA

Martinsburg

WISCONSIN

Beaver Dam	Watertown
Marschfield	Whitewater
Menominie	

WYOMING

Sheridan

3. *Areas not eligible.* The areas not eligible for assistance by State are:

ALABAMA

Alexander City	Sylacauga
Andalusia	Talladega
Cullman	Troy
Enterprise	Tuskegee
Ozark	

ARIZONA

Casa Grande	Prescott
Douglas	

ARKANSAS

Conway	Forrest City

CALIFORNIA

Atwater	Oroville
Brawley	Paradise
Calexico	Porterville
Hanford	Tulare
Los Banos	Madera

FLORIDA

Leesburg	Vero Beach
Naples	

GEORGIA

Bainbridge	Moultrie
Dublin and East Dublin	

IDAHO

Caldwell	Coeur d'Alene

INDIANA

Goshen

KANSAS

Arkansas City	Winfield

KENTUCKY

Fort Campbell-North

LOUISIANA

Bastrop	Natchitoches
Bogalusa	Ruston
Hammond	

MAINE

Brunswick

MICHIGAN

Niles	Traverse City

MINNESOTA

Alberta Lea	Marshall
Brainerd	Red Wing
Fergus Falls	Willmar

MISSISSIPPI

Canton	Picayune
Cleveland	Yazoo City

MISSOURI

Sikeston

NEW MEXICO

Artesia

NEW YORK

Corning	Glen Falls
Cortland	Hornell

NORTH CAROLINA

Eden	Reidsville

NORTH DAKOTA

Williston

OHIO

Belle Fontaine	Wilmington
Sidney	

OKLAHOMA

Chickasha	Duncan

OREGON

Ashland	City of the Dalles
Bend	Roseburg

PENNSYLVANIA

Ellwood City

SOUTH CAROLINA

Gaffney	Laurens
Georgetown	

SOUTH DAKOTA

Huron	Yankton
Mitchell	

TENNESSEE

Dyersburg	Humboldt

TEXAS

Borger	Pecos
Hereford	Snyder
Levelland	Sulfur Springs
Mineral Wells	Sweet Water
Palestine	

UTAH

Brigham City

VIRGINIA

Martinsville	Waynesboro

WASHINGTON

Moses Lake

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: December 12, 1975.

WILLIAM H. WALKER, III,
Assistant Secretary.

[FR Doc.75-34147 Filed 12-17-75;8:45 am]

ACTION

[45 CFR Part 1223]

DOMESTIC PROGRAMS

Standards of Evaluation

Notice is hereby given that the Director, ACTION proposes to amend Chapter XII, Title 45, Code of Federal Regulations to add a new Part 1223. Pursuant to Section 416(b) and 420 of the Domestic Volunteer Service Act of 1973, Public Law 93-113, 84 Stat. 394, 412 and 414, these proposed regulations establish general standards for evaluation of program and project effectiveness in achieving the objectives of the Act.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. All comments received on or before February 2, 1976 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1223 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1223—STANDARDS OF EVALUATION

Sec.

1223.1-1 Introduction.
1223.1-2 Applicability.
1223.1-3 Policy.

AUTHORITY: Sec. 416(b) and 420 of Pub. L. 93-113, 87 Stat. 412 and 414.

§ 1223.1 Introduction.

Section 416 (a) of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93-113, 87 Stat. 394 and 412 provides that the Director of the Agency is

responsible for (1) evaluating the impact and effectiveness of all programs authorized by the Act; (2) their effectiveness in achieving stated goals in general and in relation to their cost; (3) their impact on related programs; and (4) their structure and mechanisms for delivery of services. Section 416(b) of the Act states that "the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act."

§ 1223.1–2 Applicability.

This part shall apply to all programs and projects authorized under Titles I, II and III of the Act.

§ 1223.1–3 Policy.

ACTION programs will be evaluated in terms of:

(a) Effectiveness in achieving stated goals. Among the factors which may be examined are:

(1) Performance as related to: (i) The specific, measurable objectives established;

(ii) Time periods specified for meeting the specified objectives;

(iii) The ACTION goals or legislative mission statements established.

(2) Differences among activity areas as to achievement of objectives.

(b) Dollar costs relative to goals and objectives achieved, and/or services produced. Among the factors whih may be examined are:

(1) Dollar cost by area of program emphasis;

(2) Average cost of ACTION administration for the respective programs;

(3) Estimated average dollar amount of matching funds and dollar value of services/supplies provided through the sponsor for the activity;

(4) Market value of the total sponsor services/supplies resulting from volunteer activity;

(i) By project or program

(ii) By area of emphasis

(iii) By type of services/supplies for which grants were made (average for each).

(c) Impact (effect) on related, non-Agency goals. Among the factors which may be examined are:

(1) Actual impact vs. specified impact objectives with respect to effect on volunteers, sponsors, clients and community;

(2) Differences among areas of emphasis, and among projects or programs as to impact;

(3) Types of secondary activities performed as an outcome of ACTION programs;

(4) Project interaction with other Federal and local programs;

(5) Community resource mobilization: total full-time and part-time volunteers generated (where applicable), by area of emphasis and by category of grant amount;

(6) Total tangible resources generated, by area of emphasis and by category of grant amount;

(7) Institutionalization: extent to which the sponsors and/or other entities have become new local centers of initiative as a result of activity.

(d) The appropriateness of the structure and mechanism for the delivery of services. Among the factors which may be examined are:

(1) Sponsor's own overall emphasis and scope aside from ACTION project or program, or number of sponsors for each type of emphasis;

(2) Areas of emphasis: (i) Number of volunteers and/or other benefits generated by elements of the standard ACTION typology by project and program emphasis;

(ii) Degree of poverty involvement, by project or program and by area of emphasis.

(3) Target community: (i) Definition of limits

(ii) Demographics

(iii) Nature and extent of poverty problem being address.

(4) Organizational structure and procedures (narrative);

(5) ACTION staff involvement: tasks performed by ACTION Headquarters, Regional Office and State Program Office with respect to project or program and estimated time spent;

(6) Effectiveness of the ACTION monitoring/information system at Headquarters and in the Region.

(e) The degree to which the program has undertaken or is undertaking to build upon programmatic strengths and correct programmatic weaknesses. Among the factors which may be examined are:

(1) Extent and nature of deficiencies with respect to achievement of these objectives;

(2) Differences among areas of emphasis, and among projects or programs, as to achievement of overall objectives;

(3) Realistic steps which can be taken in future efforts to avoid these deficiencies;

(4) Extent and nature of impact deficiencies and possible corrective action which can be taken for future funding;

Both programs and projects will be evaluated against these standards to determine how well the purposes of the Domestic Volunteer Service Act of 1973 are being met. The opinions of program and project participants, including clients, volunteers, sponsors as well as ACTION staff, will be obtained and used in the course of such evaluations.

Issued at Washington, D.C. on December 15, 1975.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75-34101 Filed 12-17-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 155]

DUAL TRADING BY FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Request for Comments

The Commodity Futures Trading Commission ("Commission") announced on December 12, 1975, that it is proposing to adopt, by January 21, 1976, regulations that would require all contract markets that wish to continue to permit dual trading after June 30, 1976, by floor brokers and futures commission merchants ("FCM's") to adopt and obtain Commission approval of certain rules to regulate dual trading.

In addition, the Commission is proposing for adoption, subject to review of comments received as a result of this notice and further study of the issue, a regulation that would ban dual trading by floor brokers after January 16, 1977, on any contract market that has not submitted by that date a plan which provides for the development of a method for recording to permit reconstruction of the sequence of futures transactions executed on the contract market. Furthermore, this proposed regulation would prohibit dual trading by floor brokers on a contract market after April 17, 1977, or such later date as the Commission may determine in connection with a particular plan, unless a plan of that contract market for recording to permit reconstruction of the sequence of futures transactions has been declared effective by the Commission.

BACKGROUND

Paragraphs (1) and (2) of section 4j of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 6j (1) and (2), direct the Commission to determine whether the practice generally known as dual trading may continue; that is, (1) whether floor brokers may trade for their own account or any account in which they have trading discretion and also execute a customer's order for commodity futures contracts and (2) whether FCM's may trade for their own account or any proprietary account.[1] Section 4j further states that if the Commission decides to permit dual trading, it shall determine the terms, conditions and circumstances under which dual trading

[1] Section 4j was added to the Act in 1974 by section 203 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 88 Stat. 1389, 1396. Section 4j(1) states:

The Commission shall [by January 21, 1976] . . . make a determination, after notice and opportunity for hearing, whether or not a floor broker may trade for his own account or any account in which such broker has trading discretion, and also execute a customer's order for future delivery and, if the Commission determines that such trades and such executions shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades and such executions shall be conducted. . . .

Section 4j(2) states:

The Commission shall [by January 21, 1976] . . . make a determination, after notice and opportunity for hearing, whether or not a futures commission merchant may trade for its own account or any proprietary account, as defined by the Commission, and if the Commission determines that such trades shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades shall be conducted. . . .

The term "proprietary account" as used in the proposed regulation is defined in § 1.3y of the regulations under the Act.

may occur. The section also provides that the Commission shall, at a minimum, consider the effect on liquidity of the market place in any determination it shall make and that the Commission may make separate determinations for different contract markets, i.e., on a pit-by-pit basis.

The legislative history of section 4j contains discussions both of the possible conflict of interests inherent in dual trading and of the arguments in favor of dual trading—that it promotes liquidity in the market place and expertise among floor brokers.[3] However, Congress evidently concluded that it did not have sufficient evidence to determine whether dual trading should be banned or, if not banned, under what terms and conditions it should be permitted to continue. Congress delegated those determinations to the Commission.

Following the establishment of the Commission, the staff began an internal review of the question of dual trading; that review is continuing. In addition, the Commission's Advisory Committee on Market Regulation has considered this question and made a series of recommendations for Commission consideration to the effect that the Commission recognize that dual trading is necessary to provide liquidity in the market place and that dual trading promotes expertise among floor brokers. The Advisory Committee further recommended, however, that regulation was needed to control potential abuses of dual trading. The Advisory Committee also suggested that a study be conducted of time stamping mechanisms, or other systems, that would permit more precise recording of the time of execution of trades. Furthermore, the Committee recommended that a study be made of the effect on liquidity of dual trading.

Discussion of Proposed Regulations 155.1 and 155.2

Proposed regulation 155.2 would require all contract markets that wish to continue to permit dual trading (as that term is defined in proposed regulation 155.1)[4] by floor brokers and FCM's after June 30, 1976, to obtain Commission approval of contract market rules[5] which are intended to prevent the abuses which may arise from the possible conflict of interests inherent in dual trading.

Although the Commission is continuing its study of dual trading, and although the extent of the actual abuses of dual trading by floor brokers cannot be determined until some adequate method of reconstructing the sequence of floor trades is implemented, the Commission believes that, because of the possible conflict of interests which is inherent in dual trading, such trading should be permitted only if it is subject to a regulatory program which includes certain minimum standards set forth in proposed regulation 155.2.[6] To some extent the standards are a codification of principles of agency law.[7] Certain of the activities proscribed by proposed regulation 155.2, such as prearranged trading and other illegal noncompetitive trading, are violations of the Act and the regulations issued thereunder.

Although some contract markets have rules meeting the standards set forth in the Commission's proposal, one purpose of the proposed Commission regulation is to assure that basic minimum safeguards are provided by every contract market.[8] The Commission requests comment on whether the standards contained in the proposed regulations are appropriate, whether alternative standards are appropriate, and—especially—what additional safeguards should be considered.[9]

Discussion of Proposed Regulation 155.3

Proposed regulation 155.3 is aimed at floor brokers. Paragraph (a) of the proposed regulation would prohibit dual trading by floor brokers after January 16, 1977, in any commodity with respect to which the contract market has not submitted to the Commission a plan which would provide a mechanism for recording transaction data, either by time stamping or otherwise, to enable the sequence of the execution of transactions on the floor to be reconstructed. Such plan may take into consideration the differences in activity of trading in each commodity. In addition, proposed regulation 155.3(b) would ban dual trading on a contract market after April 17, 1977, or such later date as the Commission may determine in connection with a particular plan, unless a plan of that contract market, as described above, has been declared in effect by the Commission.

The importance of transaction timing was stressed in the legislative history of section 4j. While Congress did not itself impose a time stamping requirement—in effect delegating a decision on that issue to the Commission—section 4g of the Act was strengthened in 1974 to permit the Commission to require daily trading records to include "such information as the Commission shall prescribe by rule."[10]

In addition, the problem of detecting dual trading abuses was discussed at some length in a recent report of the Comptroller General:

> . . . Since timing information is not required on a broker's personal trades, the abusive practice of a broker's trading for his own account while he has a customer's order in

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[3] *See Hearings on Small Business Problems Involved in the Marketing of Grain and Other Commodities Before the Subcomm. on Special Small Business Problems of the House Permanent Select Comm. on Small Business*, 93d Cong., 1st Sess. (July 25, 26; September 18, 25, 26; October 2, 3, and 4, 1973); *Hearings on the Review of Commodity Exchange Act and Discussion of Possible Changes Before the House Comm. on Agriculture*, 93d Cong., 1st Sess. (October 16, 17, 18, and 24, 1973); *Hearings on H.R. 11955 Before the House Comm. on Agriculture*, 93d Cong., 2d Sess. (January 23, 24, 29, 30, and 31, 1974); and *Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 Before the Senate Comm. on Agriculture and Forestry*, 93d Cong., 2d Sess. (May 13, 14, 15, 16, 17, 20, 21, and 22, 1974).

[4] The definition of dual trading with respect to a floor broker is limited to the situation in which the floor broker trades for himself on the same day in which he trades for another person in the same commodity for future delivery. This provision is not included in the definition of dual trading with respect to FCM's because an FCM, as defined in section 2(a) of the Act, is by its very nature continuously soliciting customers' orders.

[5] The rules adopted by each contract market must be submitted to the Commission for approval pursuant to section 5a(12) of the Act. 7 U.S.C. § 7a(12). Contract markets may set terms and conditions more restrictive than those specified in the proposed regulation.

[6] Many of the proposed standards were adopted from the recommendations of the Commission's Advisory Committee on Market Regulation.

[7] When a floor broker, an FCM, or an associated person of an FCM executes, or causes the execution of, an order, he is acting as an agent. *See* Meyer, *The Law of Stockbrokers and Stock Exchanges* 249–253, 282 (1931). As such, he owes certain duties to his principal, which are, in general, fiduciary in nature. *See* W. Seavey, *Law of Agency* 4, 243–248 (West 1964). Under basic principles of agency law, an agent's own interests must not conflict with those of his principal. *Id.* at 243–246. For example, an agent may not, in general, compete with his principal. *Id.* at 248. No proof of actual injury to the principal is normally required to establish that the agent has violated his duty; the mere potential for abuse is often sufficient. *See* 3 Loss, *Securities Regulation* 1501 (2d ed. 1961). These principles of agency law have been held to apply specifically to the commodities industry. For instance, it has been held that a member of a commodity exchange holding the power to direct futures trading in a customer's account is a fiduciary. A violation of that duty, fiduciary or otherwise, may be fraudulent conduct actionable under section 4b of the Act. Douglas Steen, 21 A.D. 1076 (1962). Similarly, it has been indicated that an FCM may be regarded as a fiduciary with respect to his relationship with customers. Hecht v. Harris, Upham & Co., 283 F. Supp. 417 (N.D. Cal. 1968).

[8] Concern has been expressed regarding potential abuses that may arise from the allocation by FCM's and floor brokers of previously-executed transactions among accounts over which they have trading discretion. The Commission directs interested parties to § 1.35(a–1) of its regulations, which contains safeguards against such abuses.

[9] The Commission will shortly propose a rule adopting similar standards for transactions by futures commission merchants who are not members of any contract market and their associated persons.

[10] The Conference Report to H.R. 13113, the bill which became the Commodity Futures Trading Commission Act of 1974, stated: If, for example, the Commission determines that it needs the time of each trade made on the exchanges and the identification of the traders involved in each trade, it can require that a record be kept of this information and that it be reported to the Commission by the clearinghouse and contract market.

S. Rep. No. 93–1194, 93d Cong., 2d Sess. 42 (1974).

hand is virtually impossible to detect because the time sequence of the broker's trades cannot be determined from the records. This omission bears heavily on the question of whether or not dual trading—trading by brokers, both for customers and for their own accounts—should be prohibited or restricted, which was a matter of concern in congressional hearings in 1973 and 1974 and which was discussed in our interim report. Neither CEA [a predecessor agency of the Commission] nor the commodity futures trading industry knows the extent of dual trading abuses, and neither can know in the absence of timing information.[10]

The Commission believes that a system which would permit the reconstruction of the sequence of the execution of transactions is an important element of a regulatory program to deter and to detect the possible abuses presented by dual trading. Without such a system the effectiveness of certain aspects of proposed regulation 155.2 is limited.[11]

Because of the complex and controversial issues involved in the area covered by proposed regulation 155.3, the Commission has established a 90-day period during which contract markets, floor brokers and other interested persons may submit written comments.[12] During this period, the Commission intends to continue its study of dual trading, including its effect on liquidity. In this regard, the Commission requests that comments specifically address the question of liquidity, utilizing factual data where appropriate.

The Commission urges that in responding to proposed regulation 155.3, each contract market advise the Commission as to the feasibility of undertaking a co-operative effort involving all contract markets, working in conjunction with the Commission, to develop suitable mechanisms, devices or other methods designed to record the sequence of the execution of transactions on the exchange floor. The Commission particularly requests each contract market to comment upon whether its present procedures and systems can be modified so as to permit the reconstruction of the sequence of transactions on its trading floor, and whether, as an alternative to banning dual trading by floor brokers, some other form of regulation would be more appropriate if an effective method of reconstructing the sequence of transactions on the floor is not implemented. Finally, the Commission requests specific comment respecting possible alternatives to proposed regulation 155.3 which would provide an adequate method of enforcing the standards with respect to floor brokers set forth in proposed regulation 155.2.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Chapter I by adding a new part 155 as follows:

Part 155—Standards Regarding Dual Trading

Sec.
155.1 Definitions.
155.2 Trading standards.
155.3 Transaction sequence plans.

AUTHORITY: Secs. 4b, 4g, 4j, and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6b, 6g, 6j and 12a)

§ 155.1 Definitions.

(a) *Dual Trading or Dual Trade*—(1) With respect to any floor broker these terms mean trading in a commodity for future delivery for any account in which such floor broker has an interest or over which he has discretionary authority on the same day in which such floor broker trades for another person in the same commodity for future delivery, except that these terms do not include any transaction to liquidate any position that results from an error made while attempting to execute an order for another person; (2) with respect to any futures commission merchant or associated person thereof, these terms means trading for any account of the futures commission merchant, any proprietary account of the futures commission merchant, or any account of any associated person, officer, partner, or employee of the futures commission merchant, their spouses or minor dependents living in the same household, except that these terms do not include any transaction to liquidate any position that results from an error made while attempting to have executed an order for another person.

§ 155.2 Trading standards.

(a) After June 30, 1976, no member of a contract market acting as a floor broker or acting as a futures commission merchant, and no associated person of such a futures commission merchant, shall dual trade, and no contract market shall permit any member acting as a floor broker or acting as a futures commission merchant or any associated person of such a futures commission merchant to dual trade, unless such dual trading is conducted in conformity with a set of rules adopted by the contract market and submitted to and approved by the Commission in accordance with the provisions of paragraph (b) of this section.

(b) The set of rules adopted by a contract market and submitted to the Commission for approval as provided in paragraph (a) of this section shall at a minimum:

(1) *Floor Brokers*—With respect to each member of the contract market acting as a floor broker:

(i) Prohibit such member from executing any transaction for his own account, or for any account in which he has an interest, while holding an order of another person in the same commodity for future delivery which is executable at the market price, except that such member may take into his own account, and subsequently liquidate, any position that results from an error made while attempting to execute an order for another person.

(ii) Prohibit such member from executing any transaction for any account in which he has discretionary authority, except that an order for such an account may be placed with another member for execution.

(iii) Prohibit such member from disclosing at any time that he is holding an order of another person, or from divulging, or taking the other side of, for any purpose, except in conformity with contract market rules approved by the Commission, any order revealed to him by reason of his relationship with such other person.

(iv) Prohibit such member from making any purchase or sale which has been directly or indirectly prearranged.

(v) Require that every execution of a transaction on the floor by such member be immediately confirmed with the opposite floor broker or floor trader; such confirmation shall identify price, quantity and respective clearing members.

(vi) Require that, in executing an order of another person, such member use due diligence to execute that order at the best possible price or prices available on the floor of the contract market.

(2) *Futures Commission Merchants*—With respect to each member of the contract market acting as a futures commission merchant:

(i) Prohibit such member, its associated persons, officers, partners, and employees from disclosing at any time that an order of another person is being held by such member, its associated persons, officers, partners, or employees, or from divulging, or knowingly taking the other side of, for any purpose, except in conformity with contract market rules approved by the Commission, any order revealed to such member, its associated persons, officers, partners, or employees by reason of their relationship with such other person.

(ii) Require such member to establish procedures to assure, to the extent possible, that with respect to each office or branch office, each order received from another person which is executable at or near the market price is transmitted to the floor of the contract market before such member transmits to the floor of the contract market any order in the same commodity for future delivery for the account of such member, any proprietary account of such member, or any account of any of its associated persons, officers, partners, employees or their spouses or minor dependents living in the same household, and require such member to otherwise use due diligence in handling each order received from another person so as to enable each such order to be executed at the best possible price or prices available on the contract market.

(iii) Prohibit the associated persons, officers, partners and employees of such member from acting in collusion to cir-

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[10] Comptroller General of the United States, *Report to the Congress on Improvements Needed in Regulation of Commodity Futures Trading* (June 24, 1975) (CCH Commodity Futures Law Rep., Extra Edition Number 6, p. 19 (July 8, 1975)).

[11] As amended by section 407 of the Commodity Futures Trading Commission Act of 1974, section 5a(8) of the Act requires each contract market to enforce all of its rules approved by the Commission which relate to trading requirements. Therefore, a contract market would have a statutory obligation to enforce any rules adopted pursuant to proposed regulation 155.2.

[12] The comment period for proposed regulation 155.1 and 155.2 is 30 days.

cumvent the requirements of paragraph (b)(2)(ii) of this § 155.2.

(iv) Require such member to establish a compliance program which shall (A) to the extent possible, assure that the handling of orders for its proprietary accounts and for all accounts on its books of its associated persons, officers, partners, employees and their spouses and minor dependents living in the same household is in compliance with contract market rules adopted in accordance with paragraph (b)(2) of this § 155.2, and (B) either prohibit its associated persons, officers, partners, employees and their spouses and minor dependents living in the same household from having accounts with other futures commission merchants or, in the alternative, require that the establishment of such accounts be approved by a designated person or persons in a supervisory capacity and that confirmation of all transactions in such accounts be transmitted to a designated person or persons in a supervisory capacity to assure, to the extent possible, compliance with the Act, the regulations thereunder and contract market rules adopted in accordance with paragraph (b)(2) of this § 155.2

(v) Prohibit such member from handling the accounts of any other member's associated persons, officers, partners, employees or their spouses or minor dependents living in the same household, without the written approval of such other member and without submitting to such other member copies of all confirmations and statements rendered to such associated persons, officers, partners, employees and their spouses and minor dependents living in the same household.

(3) Require that a record be established and maintained of all changes in price for futures transactions executed on the floor of the contract market. This record shall include the time of all changes in price to the nearest ten seconds.

§ 155.3 Transaction sequence plans.

(a) After January 16, 1977, no member of a contract market acting as a floor broker shall dual trade, and no contract market shall permit any member acting as a floor broker to dual trade, unless such contract market has submitted to the Commission a plan, with a timetable for implementation, which provides for the development, as soon as practicable, of a method, through time stamping or otherwise, for recording the sequence of futures transactions executed on the contract market. This method must, at a minimum, be designed to permit the reconstruction of the sequence of futures transactions on the contract market in those commodities for future delivery in which dual trading is not prohibited by contract market rules and must include the identities of the persons executing such transactions, and of the clearing members and customers of such clearing members in such transactions. The plan submitted by a contract market must provide that, pending the development of the method for reconstruction of the sequence of futures transactions, continued improvements will be made in recordkeeping to improve the tracing of the handling of customers' orders.

(b) After April 17, 1977, or such later date as the Commission by order shall determine with respect to a particular plan, no member of a contract market acting as a floor broker shall dual trade, and no contract market shall permit any member acting as a floor broker to dual trade, unless a plan, as described in paragraph (a) of this § 155.3, has been adopted by the contract market and declared in effect by the Commission upon such terms and conditions as the Commission may by order prescribe.

* * * * *

The Commission is holding a hearing through written submission on the merits of the proposed regulations. Interested persons are invited to express their views and comments on whether the foregoing proposed regulations should be adopted either in the form proposed or as modified in some respect. Written statements of views and comments should be submitted to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, Attn. Secretariat. All statements regarding proposed regulations 155.1 and 155.2 received on or before January 12, 1976, will be considered by the Commission before taking action on those proposed regulations. All statements regarding proposed regulation 155.3 received on or before March 12, 1976, will be considered by the Commission before taking action on that proposed regulation. In addition, any person may request the opportunity to express his views at an oral hearing; if the Commission should conclude that an oral presentation will be of value, it will, by subsequent notice, set the time and place of that hearing. All such communications will be available for public inspection.

Issued in Washington, D.C. this 12th day of December 1975.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-34087 Filed 12-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 470-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Legal Authority

On May 31, 1972 (37 FR 10842), the Administrator approved most of the South Carolina plan to attain and maintain the national ambient air quality standards in that State. Specifically disapproved at that time was the plan's provisions for the public availability of emission data. On October 28, 1972 (37 FR 23085), the Administrator, at the request of the Governor of South Carolina, delegated to the State the legal authority needed to determine and make public the compliance status of air pollution sources, including the authority to require owners or operators of stationary sources to install, maintain and operate emission monitoring devices, to keep records of and report the information thus obtained, and to release to the public such emission data correlated with any applicable emission standards or regulations. On October 15, 1975, Governor James B. Edwards submitted to the Agency as a plan revision the Pollution Control Act of South Carolina as amended, most recently by Act No. 395 of the 1975 General Assembly; transmitted an opinion of the State's Attorney General that the Pollution Control Act of South Carolina as now amended satisfies the requirements of 40 CFR 51.10(e), 51.11(a)(5), and 51.11(a)(6); and requested that the Agency withdraw its delegation of legal authority as set forth at 40 CFR 52.2124(c). The purpose of the present notice is to solicit public comment on the State of South Carolina's revised legal authority to carry out the provisions of the Clean Air Act and the Agency's implementing regulations.

In an opinion rendered on September 19, 1975, to the South Carolina Department of Health and Environmental Control, the South Carolina Attorney General cited the following portions of the amended Pollution Control Act of South Carolina to support his contention that the legislation now meets all pertinent requirements of 40 CFR Part 51:

§ 9 [The Board of Environmental Health and Control may] (10) require to be submitted to it and consider for approval plans for disposal systems or sources or any parts thereof and inspect the construction thereto for compliance with approved plans; (20) conduct investigations of conditions in the air or waters of the State to determine whether or not standards are being contravened and the origin of materials which are causing the polluted conditions; (22) require the owner or operator of any source or disposal system to establish and maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Board shall prescribe; and provide such other information as the Board reasonably may require; (23.1) enter at all times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of the environment of the State. . . .

§ 30 Any records, reports or information obtained under any provision of this Act shall be available to the public. Upon a showing satisfactory to the Department by any person that records, reports or information, or particular parts thereof, other than effluent or emission data, if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Department shall consider such records, report or information or particular portion thereof confidential in the administration of this act.

Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:
Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency,
401 M Street, SW.
Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.
Bureau of Air Quality Control, Department of Health & Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Interested persons are urged to submit written comments on the present plan revision. To be considered, such comments must be received on or before January 19, 1976, and should be addressed to John Eagles at the Atlanta address given above. If the Administrator determines, on the basis of information and views available to him, that the present revision satisfies the requirements of 40 CFR 51.10(e), 51.11(a)(5) and 51.11(a)(6), he will revoke his disapproval of the South Carolina plan at 40 CFR 52.2124 (a) and (b) as well as the delegation of authority set forth at 40 CFR 52.2124(c).

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: December 11, 1975.

JACK E. LAVAN,
Regional Administrator, Region IV.

[FR Doc.75-34163 Filed 12-17-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary of Labor

[29 CFR Part 60]

IMMIGRATION; IMMIGRANT LABOR CERTIFICATIONS

Modification of Schedule B Definition

Section 212(a)(14), of the Immigration and Nationality Act, 79 Stat. 911, 8 USCA 1182, provides the statutory authority for the Secretary of Labor to make determinations regarding the immigration of alien workers into the United States. An alien who seeks to immigrate for the purpose of employment is ineligible to receive a visa and is excluded from admission into the United States unless the Secretary of Labor has certified that qualified United States workers are not available and that the alien's employment will not adversely affect wages and working conditions of the workers in the United States similarly employed. To facilitate the labor certification procedure the Secretary of Labor has defined various occupational categories to serve as guidelines for occupational qualification requirements.

Notice is hereby given that the Secretary of Labor proposes to modify the definition of *Household Domestic Service Workers* at 29 CFR 60.7. Under the current regulation an alien seeking certification as a household domestic service worker must document one year's full time paid experience in performing those tasks incident to the maintenance of private households. This experience can only have been acquired as a result of employment in private households.

The proposed regulation would provide that the one year's documented paid experience may be acquired in public or private institutions or establishments as well as in private households. It would provide, however, that the tasks performed in the public or private institutions or establishments be equivalent to those tasks normally associated with the maintenance of a private household.

Inquiries may be addressed, and data, views, and arguments may be submitted until January 19, 1976, to the Assistant Secretary for Employment and Training, Department of Labor, Attention: William B. Lewis, Room 8000, 6th and D Streets, NW., Washington, D.C. 20213.

In consideration of the foregoing, it is proposed to modify 29 CFR Part 60.7 to read as follows:

§ 60.7 Schedules.

* * * * *

SCHEDULE B

* * * * *

OCCUPATIONAL DEFINITIONS

* * * * *

Household Domestic Service Workers

Performs a variety of tasks in private households, including activities such as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children or disabled persons: Provided, however, that noncertification under this category shall apply only to those workers who have had less than one year of documented full-time paid experience in the work to be performed, working on a live-in or live-out basis in private households, or in public or private institutions or establishments where the worker has performed tasks equivalent to tasks normally associated with the maintenance of a private household.

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

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.75-34155 Filed 12-17-75;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 STATE

Office of the Secretary

[Delegation of Authority No. 133]

NATIONAL GALLERY OF ART

Delegation of Functions Under the Joint Resolution

By virtue of the authority vested in me by the Joint Resolution Providing for the construction and maintenance of a National Gallery of Art of March 24, 1937, as amended, (50 Stat. 51, 20 U.S.C. 71 *et seq.*) and Section 4 of the Act of May 26, 1949, as amended, (63 Stat. 111, 22 U.S.C. 2658), it is ordered as follows:

Sec. 1. While reserving to the Secretary of State the title of Trustee ex officio, and the right at any time to exercise the functions conferred on the Secretary of State by the Joint Resolution, such functions are hereby delegated to the Deputy Secretary of State.

Sec. 2. In the event of inability of the Deputy Secretary of State by reason of sickness, absence, other duties, or otherwise to perform the functions, the Assistant Secretary of State for Educational and Cultural Affairs is authorized to perform such functions.

Sec. 3. This Delegation of Authority shall be effective December 10, 1975.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75-34134 Filed 12-17-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 151 (Rev. 1)]

ASSISTANT COMMISSIONER (EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS), ET AL.

Delegation of Authority

1. Pursuant to authority vested in the Commissioner of Internal Revenue by section 6103(g) of the Internal Revenue Code of 1954 and Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations), the Service Center Directors and the District Directors of the Key Districts for Employee Plans and Exempt Organizations matters the authority to furnish the Department of Labor or the Pension Benefit Guaranty Corporation:

(a) upon specific written request, the information specified in 26 CFR 420.6103(g)-1, 2, 3(c)(1), and 3(c)(2), and

(b) without application or written request, the information specified in 26 CFR 420.6103(g)-3(a)(2).

2. The authority delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations) in paragraph 1 may be redelegated but not below Branch Chiefs, Employee Plans Division.

3. The authority delegated to the Service Center Directors in paragraph 1 may be redelegated but not below Section Chiefs, in Service Centers.

4. The authority delegated District Directors of the Key Districts in paragraph 1(a) may be redelegated but not below Chiefs, Technical Staffs, Employee Plans and Exempt Organizations Divisions.

5. The authority delegated to District Directors of the Key Districts in paragraph 1(b) may be redelegated but not below Chiefs, Service Units, Employee Plans and Exempt Organizations Divisions.

6. Delegation Order No. 151, issued June 25, 1975, is hereby superseded.

Date of issue: December 3, 1975.

Effective date: December 3, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-34151 Filed 12-17-75;8:45 am]

[Order No. 4 (Rev. 3)]

ASSISTANT COMMISSIONER AND DIRECTOR, INTERNAL SECURITY DIVISION

Delegation of Authority

1(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602-1(b), 301.7603-1, 301.7604-1 and 301.7605-1(a) to issue summonses; to set the time and place for appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or other data produced in compliance with the summons; and to enforce summonses, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c) and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d) and 6 of this Order.

(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees, provided that the authority to issue a summons in which the proper name or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees and by them only after obtaining pre-issuance legal review by Regional Counsel or the Chief Counsel in the case of Inspection and International Operations.

(1) Inspection: Assistant Commissioner and Director, Internal Security Division.

(2) District Intelligence: Chief of Division.

(3) International Operations: Director and Chiefs of Divisions.

(4) District Collection Activity: Chief of Division.

(5) District Audit: Chief of Division.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Regional Inspectors and Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) District Intelligence: Assistant Chief of Division; Chiefs of Branches, and Group Managers.

(3) International Operations: Assistant Director; Chiefs of Branches; Case Managers; and Group Managers.

(4) District Collection Activity: Assistant Chief of Division; Chiefs of Field Branches and Office Branches; Chief, Special Procedures Staff and Group Managers.

(5) District Audit: Chiefs of Examination Branches; Case Managers and Group Managers.

(6) District Employee Plans and Exempt Organizations: Group Managers.

(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officers' case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax

Auditors; and Revenue Officers, GS–9 and above.

(2) District Intelligence: Special Agents.

(3) District Collection: Revenue Officers, GS–9 and above.

(4) District Audit: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order may serve a summons whether it is issued by him or another official.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order, authorized to issue summonses, is delegated the authority under 26 CFR 301.7602–1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the individual before whom a person summoned pursuant to § 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

3. Internal Security Inspectors are delegated the authority under 26 CFR 301.7603–1 to serve summonses issued in accordance with this Order by any of the officers and employees of the Inspection Service referred to in paragraphs 1(b)(1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 307.7602–1(a), and 301.7605–1(a) to examine books, papers, records, or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b), 4(c), and 4(d) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

(b) General Designations (1) Inspection: Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors, and Internal Security Inspectors.

(2) District Intelligence: Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers, and Special Agents.

(3) International Operations: Director; Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers; Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(4) District Collection Activity: Chief and Assistant Chief of Division; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Group Managers and Revenue Officers.

(5) District Audit: Chief of Division; Chiefs of Examination Branches; Conferees; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(6) Regional and District Employee Plans and Exempt Organizations: Conferees; Chief of Division; Chief of Examination Branch; Chief, Technical Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center: Chief, Audit Division; Chief, Intelligence Staff; Revenue Agents; Tax Auditors and Special Agents.

(c) District Directors, Service Center Directors, Regional Inspectors, the Chief of Investigation Branch, and the Director of International Operations may redelegate the authority under 4(a) of this Order to aides or trainees, respectively, for the positions of revenue agent, tax law specialist, revenue officer, internal auditor, internal security inspector, and special agent, provided that each such aide or trainee shall exercise said authority only under the direct supervision, respectively, as applicable of a revenue agent, tax law specialist, revenue officer, special agent, internal auditor or internal security inspector.

(d) District Directors may redelegate the authority under 4(a) of this Order to Revenue Representatives and Office Collection Representatives.

5. Under the authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7622–1, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 1(c), 1(d) and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations *except* that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. Revenue Representatives and Office Collection Representatives referred to in paragraph 4(d) of this Order are not designated to administer oaths or to perform the other functions mentioned in this paragraph.

6. The authority delegated herein may not be redelegated except as provided in paragraphs 4(c) and 4(d).

7. This Order supersedes Delegation Order No. 4 (Rev. 2), issued April 30, 1973, and Delegation Order No. 37 (Revised), issued September 3, 1957.

Date of issue: November 24, 1975.

Effective date: December 24, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-34152 Filed 12-17-75;8:45 am]

Office of the Secretary

POLYMETHYL METHACRYLATE OF PELLET, POWDER, FLAKE, GRANULAR OR SIMILAR FORMS FROM JAPAN

Antidumping Withholding of Appraisement Notice

Information was received on May 16, 1975, from E. I. du Pont de Nemours, alleging that polymethyl methacrylate polymers from Japan were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, 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"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25497). An "Amendment of Antidumping Proceeding Notice" limiting the class or kind of merchandise under consideration to polymethyl methacrylate of pellet, powder, flake, granular or similar forms from Japan was published in the FEDERAL REGISTER of June 23, 1975 (40 FR 26284).

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160 (b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of polymethyl methacrylate of pellet, powder, flake, granular or similar forms, from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation*—It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by either Mitsubishi Rayon Co., Ltd., or Asahi Chemical Industry Co., Ltd., both of Tokyo, Japan. Therefore, the investigation was limited to these two manufacturers.

b. *Basis of Comparison*—For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related Japanese trading companies. Home market price, as defined in § 153.3, Customs Regulations, (19 CFR 153.3), was used since such or similar merchandise appears to

be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price*—For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs Regulations, (19 CFR 153.31(b)), pricing information was obtained concerning imports of polymethyl methacrylate from Japan during the 6-month period January 1, 1975, through June 30, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price has been calculated on the basis of the ex go-down, Japanese port, packed price to the United States. Deductions have been made for inland freight, export selling expenses and packing with respect to both manufacturers. A deduction has been made for a royalty payment for merchandise sold by Asahi Chemical Industry Co., Ltd.

d. *Home Market Price*—For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the delivered, net, packed price to the distributor. Adjustments have been made for credit expense, transportation, technical service expenses shown to be directly related to the sales in question, and packing costs, as appropriate, for merchandise sold by both manufacturers, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for credit expenses relate to discounted promissory notes used for payment in the home market. Adjustments for technical services relate to travel expenses, salaries, and materials of technicians in providing technical services to home market purchasers and are directly related to sales in the home market. With respect to sales by Asahi Chemical Industry Co., Ltd., further adjustments for differences in circumstances of sales have been made for freely offered discounts and rebates of merchandise, for certain sales aids provided for the benefit of purchasers in later sales, and for royalty payments for merchandise. With respect to sales by Mitsubishi Rayon Co., Ltd., further adjustments for differences in circumstances of sales have been made for certain advertising and sales aid expenses incurred for the benefit of purchasers in later sales.

Adjustments for differences in circumstances of sales in accordance with § 153.8, Customs Regulations, (19 CFR 153.8), for warehousing costs for inventory purposes, salesmen's salaries, interest on inventory, and research and development expenses were claimed by counsel for both manufacturers. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. Further adjustments for certain technical service expenses, including that for the supply of molds and technical brochures to purchasers in the home market, have not been allowed, but may be granted subsequently, if it is shown that these expenses are directly related to the sales under consideration.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, warehousing costs for inventory purposes are not an allowable adjustment, since these expenses must be borne regardless of whether particular sales are made.

Salesmen's salaries, unlike commissions, are also not an allowable adjustment to home market price, since they too must be paid by the company irrespective of whether sales are made.

Adjustments for technical services rendered by a foreign company in its home market for purchasers of its product may be allowable if shown to be directly related to the sales under consideration. Technical services rendered to customers in the foreign market for advice on items, such as usage or application of the product sold is an allowable adjustment and is granted to the extent to which the specific direct costs of the services rendered are documented. The documentation submitted in the instant case relates to the salaries, fringe benefits, travel expenses, and material expenses of the technicians employed for rendering technical services. These expenses have been allowed.

e. *Result of Fair Value Comparison.*—Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 95 percent of all polymethyl methacrylate sold in the United States during the period of investigation. Margins were tentatively found, ranging from 17–40 percent, on 100 percent of sales compared. The weighted average margin tentatively appears to be between 17–25 percent.

Accordingly, Customs Officers are being directed to withhold appraisement of polymethyl methacrylate of pellet, powder, flake, granular or similar forms, from Japan in accordance with section 153.48, Customs Regulations, (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before December 29, 1975. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before January 19, 1976.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

DECEMBER 15, 1975.

[FR Doc.75-34185 Filed 12-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on January 21–22, 1976, at the Pentagon, Washington, D.C. The sessions will commence at 9:00 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including a current intelligence political-military assessment, briefings on significant intelligence highlights, and discussions on naval missions, policy and strategy, ship acquisition, systems development, specialized technology, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code.

Dated: December 10, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.75-34114 Filed 12-17-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 566]

ARIZONA

Filing of Plat of Survey; Correction

DECEMBER 12, 1975.

1. In F.R. Document 75-32457, appearing on page 56465 of the issue of Wednesday, December 3, 1975, the third line describing the survey, now reading Survey No. 2235, is corrected to read "Survey No. 2325."

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.75-34066 Filed 12-17-75;8:45 am]

[NM 27116, 27117 and 27118]

NEW MEXICO

Notice of Applications

DECEMBER 11, 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 five 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 32 E.,
Sec. 15, SW¼SW¼;
Sec. 22, NW¼NW¼.
T. 19 S., R. 33 E.,
Sec. 13, W½NW¼ and NW¼SW¼.
T. 19 S., R. 34 E.,
Sec. 4, S½SW¼ and SW¼SE¼.

These pipelines will convey natural gas across 1.597 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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, NM 88201.

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

[FR Doc.75-34067 Filed 12-17-75;8:45 am]

[Wyoming 53189]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 113 W.,
Sec. 28.

The pipeline will convey natural gas from the Tip Top #F-44X-28G well in sec. 28, T. 29 N., R. 113 W., to an existing gathering system in sec. 6, T. 28 N., R. 113 W., Sublette County, Wyoming.

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 send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34068 Filed 12-17-75;8:45 am]

[Wyoming 53190]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 6.
T. 29 N., R 113 W.,
Sec. 28;
Sec. 33.

The pipeline will be an extension to the Big Piney Gathering System in Sublette County, Wyoming.

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 send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34069 Filed 12-17-75;8:45 am]

[Wyoming 53191]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 8;
Sec. 9.

The pipeline will convey natural gas from the Tip Top #F13-X-9G well in sec. 9 to a gathering system in sec. 8, all in T. 28 N., R. 113 W., Sublette County, Wyoming.

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 send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75-34070 Filed 12-17-75;8:45 am]

[Wyoming 53192]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 113 W.,
Sec. 28;
Sec. 29.

The pipeline will convey natural gas from the Tip Top #F-33X-29G well in sec. 29, T. 29 N., R. 113 W., to an existing gathering system in sec. 6, T. 28 N., R. 113 W., Sublette County, Wyoming.

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 send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34071 Filed 12-17-75;8:45 am]

[Serial Nos. I-5782, I-4966]

IDAHO

Hearing on Proposed Withdrawal of Public Lands

DECEMBER 11, 1975.

Notice is hereby given that a public hearing will be held at 9:30 a.m., Tuesday, February 10, 1976, at the Washington Water Power auditorium, at the corner of 5th Street and Lakeside Avenue to Coeur d'Alene, Idaho. The hearing pertains to the requests by the Forest Service (Idaho 5782, Idaho 4966) for the withdrawal from all location and entry under the mining laws, but not the mineral leasing laws, of the lands described hereafter for use by the Forest Service as botanical, scenic and recreation areas as set forth in notices of withdrawal published in the FEDERAL REGISTER on August 29 and May 11, 1972.

The lands involved are described as follows:

BOISE MERIDIAN

COEUR D'ALENE RIVER—MCPHERSON'S RANCH TO JORDAN CAMPGROUND

T. 52 N., R. 2 E.,
Sec. 1, lots 1 and 2.
T. 52 N., R. 3 E.,
Sec. 6, lots 2, 3 and 4, SW¼NE¼ and those portions of E½SE¼NW¼, NE¼SW¼ outside HES 804.
T. 53 N., R. 2 E.,
Sec. 36, S½SE¼NE¼, E½SE¼.
T. 53 N., R. 3 E.,
Sec. 16, W½NW¼;
Sec. 17, E½E½NE¼, N½NW¼NE¼NE¼, S½NW¼SE¼NE¼, SW¼SE¼NE¼, W½NE¼, E½SE¼NW¼, E½SW¼, E½SW¼SW¼, S½SW¼SW¼SW¼, NW¼SE¼, NW¼SW¼SE¼;

Sec. 19, E½NE¼, SE¼NW¼NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 20, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼;
Sec. 30, NE¼, S½SW¼, W½SE¼, W½E½SE¼;
Sec. 31, N½NW¼NE¼, W½.

The areas described total 1,867.17 acres.

REVETT LAKE RECREATION AREA

T. 49 N., R. 5 E.,
Sec. 25, lots 1 and 2, SE¼NE¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, SE¼SE¼NE¼SW¼, NE¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼;
Sec. 36, lots 1 and 2, N½NW¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, NW¼SW¼NW¼NE¼, E½NE¼NE¼NW¼.
T. 49 N., R. 6E.,
Sec. 30, lots 4 and 5, N½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, SW¼NW¼NE¼, NW¼SE¼NW¼NE¼, E½SE¼NE¼NW¼, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼SW¼NW¼, E½SW¼SW¼NW¼, NE¼NE¼SE¼NW¼, W½NE¼SE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, SW¼SW¼SE¼NW¼;
Sec. 31, lot 1.

The areas described total 443.31 acres.

GLIDDEN LAKES RECREATION AREA

T. 48 N., R. 6 E.,
Sec. 7, lot 1, S½NE¼SW¼SE¼, SE¼SW¼SE¼;
Sec. 8, lots 4, 5 and 6;
Sec. 17, lots 2 and 3, NW¼NW¼, NW¼SW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼SW¼NW¼;
Sec. 18, lot 1, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The areas described total 368.09 acres.

SETTLERS GROVE OF ANCIENT CEDAR

T. 50 N., R. 5 E.,
Sec. 4, NW¼NE¼ of lot 1, NW¼ of lot 1, SW¼SW¼ of lot 1, N½SW¼ of lot 1, SE¼NE¼ of lot 2, SE¼ of lot 2, NE¼SW¼NE¼, NW¼SE¼SW¼NE¼, E½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, SW¼SW¼NE¼, E½SE¼SE¼NW¼, SW¼ SE¼SE¼NW¼, SE¼SW¼SE¼NW¼, NW¼NE¼SW¼, NE¼NE¼SW¼, S½NE¼NW¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, N½SE¼SW¼NW¼, W½NW¼NW¼SE¼.
T. 51 N., R. 5 E.,
Sec. 33, S½SE¼NE¼SE¼, SE¼SW¼NE¼SE¼, NE¼SE¼SE¼, E½NW¼SE¼SE¼, W½SE¼SE¼SE¼, SW¼SE¼SE¼, NE¼SE¼SE¼SE¼;
Sec. 34, SW¼NW¼SW¼, NW¼SW¼SW¼, S½NW¼NW¼SW¼.

The areas described total 183.47 acres, more or less.

All of the above areas aggregate 2,862.04 acres more or less in Shoshone County.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent and extent and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than January 19, 1976, with the State Director, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

RICHARD H. PETRIE,
Acting State Director.

[FR Doc.75-34093 Filed 12-17-75;8:45 am]

[NM 27129, 27130, 27131, 27132, 27133, 27136 and 27137]

NEW MEXICO

Notice of Applications

DECEMBER 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 six 4½ inch and one 6⅝ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 21, W½NW¼;
Sec. 33, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 34, W½SW¼ and SE¼ SW¼.
T. 31 N., R. 10 W.,
Sec. 20, lots 1 and 15;
Sec. 21, lot 4.

These pipelines will convey natural gas across 1.791 miles of national resource lands 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 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.75-34116 Filed 12-17-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112; Clyde A. Hill, Curator of Mammals.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import two (2) male and one (1) female Crowned mongoose lemur (Lemur mongoz coronatus) endangered species for breeding in captivity.
Export one (1) male and one (1) female Red ruffed lemur, Varecia variegatus ruber, endangered species for breeding in captivity.

3. APPLICANT. (If more, complete a name and phone number of individuals, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-234-5151

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Public Zoo - Wildlife exhibition, research programs in addition to educational and related activities.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Clyde A. Hill, Curator of Mammals 714-234-5151
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Cologne, West Germany
Export from San Diego, CA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number): Marine Mammal 489, ES409, ES136, 1962-10 (Under 1944 law issued 62) Scientific coll 1-SC-169 K.C. Lint

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdiction and type of document):
Not required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ Not required

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Clyde A. Hill
DATE: 30 October 1975

OCTOBER 30, 1975.

DIRECTOR (FWS/LE), U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR,
P.O. Box 19183,
Washington, D.C. 20036.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to import two male and one female crowned mongoose lemur and a permit to export one male and one female red ruffed lemur. Both permits are for the purpose of an animal exchange between the zoo in Cologne, Germany and the San Diego Zoo.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

The Cologne Zoo has two male (born in 1975 at that institution) and a female (born there in 1973) crowned mongoose lemur *Lemur mongoz coronatus*. Those three animals can be exchanged for a male and a female red ruffed lemur *Varecia variegatus ruber* born at the San Diego Zoo. The male was born on 20 May 1973, the female 8 May 1974.

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached are photocopies of letters from Uta Hick dated 26 September 1975 concerning the exchange and Dr. Ernst Kullman, director of the Cologne Zoo dated 28 September 1975. Data to fulfill this section are contained in these letters.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

In 1963 the San Diego Zoo began negotiations with the Malagasy Government to import primates and other fauna from the island of Madagascar. The main motive behind this importation was to establish a breeding nucleus of a number of species in order to study their basic reproductive biology and to impart the message of wildlife conservation to the three million visitors that come to the San Diego Zoo each year. We were impressed with the fact that only one fifteenth of the forest remained in Madagascar and it was disappearing at a fast rate.

We believe in the premise that wildlife can best be saved in its native environment and captive breeding is a secondary line of defense. Nevertheless, a captive breeding program is sometimes the only answer. When conditions indicate an extensive captive breeding program may be necessary in the future, it is wise to establish the proper husbandry techniques needed for each species before the wild population reaches a critical level. We thought at the time, and still do, that some of the animals of Madagascar might be doomed unless they were saved by captive breeding. We therefore made preparations to obtain and work with various lemuroids.

The Malagasy Government agreed to our plan and it designated the San Diego Zoo as a depository for their protected wildlife. The Malagasy Government requested a member of the zoo staff to present its case in Tananarive and I did so in 1965. Following the meeting the government gave us permits for the genera *Lemur Varecia, Propithecus, Indri* and later *Microvebus*. The permits were given to us on a tax exempt basis, a waiver which I uderstand is seldom given. The permits were also coordinated with the International Union for the Conservation of Nature and they are available for examination. Other than those I personally collected in 1965 lemurs have trickled into our institution by ones and twos. Our animals are pets confiscated by the game department and then shipped to us.

Our program for these primates has been highly successful and a most intriguing experience. In *Lemur catta* we have had 51 births and five infant deaths. Only one adult has died in the past 10 years. By careful management we have increased our twin birth ratio to more than 36 percent. In 1965 we imported a trio of *Lemur macaco*, all are still alive. Eleven have been born, two infants died and there were two stillbirths. Our *Varecia variegatus* (for many years considered to also be in the genus *Lemur*) have produced 27 infants of which eight died. All eight infants died because the social behavior of this aberrant species was not known. We now know successful birth and rearing of the young can take place only if no other adult or juvenile females are present. Ten *Varecia variegatus ruber* have been born, the first litter of three was a long and difficult birth and none survived but all subsequent infants have. We have made the most amazing observations on the *Varecia* lemurs. Unlike their very close relatives in the genus *Lemur*, ruffed lemur babies are raised in a nest like birds rather than carried about in the normal primate fashion. This unusual maternal-infant behavior has been a most important discovery and vital to the successful rearing of this species. The incompatibility of females at birth time is also highly significant.

We wish to continue our projects of learning the basic techniques of keeping and rearing the True Lemurs in captivity. The Cologne Zoo has also been a world leader in breeding and studying several species of *Lemur*. They have successfully bred and raised the black and white *Varecia variegatus* and thus should have no difficulty with subspecies *ruber*. They have bred the rare crowned mongoose lemur and we would like to establish the first breeding nucleus in the New World. We believe we have the necessary expertise to handle such a project and we also believe the Cologne Zoo will have no difficulty with the pair of lemurs we wish to send them.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

The crowned mongoose lemurs will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-234-5151. "The Cologne Zoo was established in 1860. It is a pleasant zoo park by the Rhine, with many fine new buildings." (*Zoos of the World*, James Fisher, published for The American Museum of Natural History, The Natural History Press, Garden City, New York, 1967, page 238). The postal address is Zoologischer Garten Köln, 5 Köln 60, Reichler Strausse 1973, Köln, West Germany.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity or has been removed from the wild.

As documented in the letters of Uta Hick and Dr. Ernst Kullman, the mongoose lemurs were born in the Cologne Zoo. The red ruffed lemurs to be sent to the Cologne Zoo were born in the San Diego Zoo.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

All the animals in this exchange were born in captivity, thus will not be a drain on the natural population of wild lemurs.

7. (i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed.

The Cologne Zoo recently finished a new exhibit building which they call The Lemur House. Rather than take up much space in the application describing this building and its workings we have, instead, enclosed some publications concerning this facility. In their excellent journal *Freunde Des Kölner Zoo* an article was published containing many photographs showing the Lemur House, please refer to "Der Neubau Des Lemurehauses" by Kurt Meywald.

The San Diego Zoo enclosure, see enclosed drawings, is basically an open air exhibit. The floor, two side walls and the back wall are smooth cement covered with epoxy. The front and top is a screen of electric weld wire allowing sunlight and free circulation of air. The cage contains resting shelves, a wooden climbing tree plus miscellaneous climbing and recreational apparatus. The rear of the cage opens into a shelter/bedroom containing a draft proof, sleeping shelf having an electrically heated floor which is thermostatically controlled. These enclosures have been operable since 1960 and have been proven effective. They have given us outstanding reproductive and longevity records for many species of primates, especially the more delicate kinds.

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

Some of the material required for this section has already been recorded in section 3 of this application. In addition, we have enclosed personnel résumés of San Diego Zoo mammal curators and veterinarians who will be working with the species. Also please examine the following enclosures: *Zoo Köln, Lemurenhaus Eroffnet!* Please especially study the color photographs of the various species of lemurs and other primates kept in the Cologne Zoo. The primates are in magnificent condition. Also Heft 4, 16 Jahrgang of *Zeitschrift Des Kölner Zoo* by Uta Hick which has a color photograph of a white-fronted lemur on the cover. This journal points out the excellence of their primate care and gives insight to their scientific and literary expertise. A fine 13 page article on lemur behavior, feeding techniques, etc. by Uta Hick entitled "Das erste Jahr in neuen Lemurenhaus" appeared in Heft 4, 17 Jahrgang, *Zeitschrift Des Kölner Zoo* is enclosed. Another article by Uta Hick concerning Cologne's lemur breeding program is included which is entitled "Einige Beobachtungen zur Fortpflanzund und Jugendentiwicklung von *Lemur catta, Lemur monooz mongoz, Lemur mongoz coronatus und Lemur fulvus albifrons*". The well illustrated 11 page article appeared in Heft 3, 12 Jahrgang, *Freunde Des Kölner Zoo* and it has, as do the other cited articles, a summary in English and all photographs are captioned in English as well as German. General notes on the Cologne lemur collection appeared in Heft 2, 10 Jahrgang, *Zeitschrift Des Kölner Zoo* by Uta Hick, entitled "Aus der Kölner Lemuren-Sammlung". Three more references are enclosed which deal with other rare and delicate primate species to demonstrate an across-the-board excellence in primate husbandry.

A paper on the breeding and husbandry of the red-backed saki and white-nosed saki again illustrates in color the superior condition of their animals. It is titled "Erstmalig gelungene Zucht eines Bartsakis" again written by Uta Hick and published in *Freunde Des Köner Zoo*, Heft 2, 11 Jahrgang. Cologne is also well known for their fine colony of rare and delicate Douc langurs and another 10 page article by Uta Hick "Zucht un Hal-

tung von Kleideraffen" appeared in Heft 3, 13 Jahrgang, *Freunde Des Kölner Zoo* summarizes their experience with the species. Last, there is an 11 page scientific paper in English by Uta Hick, "Breeding and Maintenance of Douc Langurs at Cologne Zoo". The aforementioned literature should not only illustrate the facility but the expertise of the Cologne Zoo staff. In addition, Uta Hick's letter of 21 October 1975 states she has worked with lemurs since 1964 and more than 60% of the lemurs in the Cologne collection were born in the Cologne Zoo.

(iv) A detailed description of the type, size and construction of the container: Arrangements for feeding, watering, and otherwise caring for the wildlife in transit: and the arrangements for caring for the wildlife on importation into the United States.

The lemurs will be air transported on Lufthansa Airline via polar flight between Los Angeles and Frankfurt. Cologne is only a short distance from Frankfurt and that leg of the trip will be made by zoo truck. Transportation from and to Los Angeles will be made by zoo truck driven by an experienced primate keeper. The shipping crates will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities are built into the crates. At Los Angeles the lemurs will be met by our customs house broker, James G. Wiley Company, 5315 West 102nd Street, P.O. Box 90008, Airport Station, Los Angeles, California 90009. This company is well experienced with animal needs and has been our broker for many years. The San Diego Zoo has met the registration standards for HEW effective 11 October 1975.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: December 3, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-34096 Filed 12-17-75;8:45 am]

Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Crane Creek, Idaho

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Crane Creek Known Geothermal Resources Area, effective February 1, 1974:

(12) IDAHO

CRANE CREEK KNOWN GEOTHERMAL RESOURCES AREA, BOISE MERIDIAN, IDAHO

T. 11 N., R. 3 W.,
Secs. 5 through 8 and 18.
T. 11 N., R. 4 W.
Secs. 1 and 12.

The area described aggregates 4,342 acres, more or less.

Dated: November 18, 1975.

WILLIAM G. GERE,
Conservation Manager Western Region.

[FR Doc. 75-34119 Filed 12-17-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-31]

HARLAN CENTRAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan Central Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its D-1 Mine, Totz, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

1. Petitioner's access road which is the subject of the petition is approximately 1 mile in length. The road is narrow due to the steep slopes of the mountains. The outer banks are fill material and will not support guard rails.

2. The use of berms would eliminate many possible passing areas for coal trucks and cars thus creating a hazard from loaded coal trucks.

3. The access road is maintained with graders and by pushing mud and snow over the outer edge of the road. Through fall, winter, and spring, frequent freezes and thaws occur which, if berms are installed, would create near impossible travel conditions.

4. Access roads without berms can be maintained by use of gravel, salt and grading equipment whereas they cannot be safely maintained with berms.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.74-34120 Filed 12-17-75;8:45 am]

[Docket No. M 76-29]

HELVETIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Helvetia Coal Company has filed a petition to modify the application of 30 CFR 75.1101-8(b) to its Lucerne Nos. 6, 8 and 9 Mines, Indiana, Pennsylvania.

30 CFR 75.1101-8(b) provides:

Two or more branch lines, at least one of which shall be above the top belt and one between the top and bottom belt, shall be installed in each sprinkler system to provide a uniform discharge of water to the belt surface.

In support of its petition, Petitioner states: 1. Petitioner presently utilizes a foam generator system authorized by section 75.-1101-5 at Lucerne No. 6 and Lucerne No. 8 Mines. Lucerne No. 9 is just being developed and is not yet in production. Petitioner proposes to install a sprinkler system authorized by section 75.1101-6 at those mines and at Lucerne No. 9, but with a modification from the specific requirements of section 75.1101-8(b) as discussed below.

2. Petitioner requests modification of section 75.1101-8(b) to permit the use of a single line as part of its sprinkler system at main and secondary belt conveyor drives at the above-captioned mines.

3. The proposed modification will both improve existing systems and guarantee no less than the same measure of protection afforded the miners by use of the dual branch lines because:

(a) The single branch line will be installed with nozzles at 8 foot intervals at or above the plane of the top belt and offset to the side, allowing water to be released onto the top and bottom surfaces of the top belt and top surface of the bottom belt;

(b) A single-line system installed in this fashion performs the purpose intended by the regulations. The preliminary report of the research team studying the efficiency of the single-line system under MESA's Technical Support Group concluded that a single-line sprinkler system of the type proposed by Petitioner is as efficient for safety purposes as the branch line system.

4. Petitioner's proposed system will meet requirements of sections 75.1101-8(c), (d) and (e), and thereby improve reliability while providing no less than the same protection afforded miners by use of the dual branch system.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.75-34121 Filed 12-17-75;8:45 am]

[Docket No. M 76-32]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 961(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Guyan No. 4 Mine, Logan County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read in conjunction with section 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states: 1. Petitioner's mine employs a track coal haulage system, but all cars are handled as a unit. The only time cars are coupled or uncoupled is at the section loading point and at the dump area on the surface. Cars are not regularly coupled or uncoupled except in these instances.

2. Track haulage cars used for transporting supplies in Petitioner's mines are not regularly coupled and uncoupled as the majority of all supply trips are coupled before entering the mine and not uncoupled prior to returning from said trip. Supplies are unloaded directly from the cars while on track.

3. Petitioner has designed semi-automatic, lever operated-type couplers for use on its track equipment which enables the miner to couple or uncouple said cars without physically positioning himself between vehicles. Said system, furthermore, allows closer and more accessible inspection of coupling parts than possible with automatic couplers which would aid in the prevention of coupling failure. A copy of a schematic drawing of said system is attached hereto, as Exhibit A,[1] and made a part hereof.

4. Petitioner states that its training program and safety record regarding its coupling system has been excellent in the subject mine.

5. Because of the foregoing facts, installation of automatic couplers on all equipment used on track in Petitioner's aforementioned mine would diminish safety and, in fact, create hazards or the risk of hazards not now present.

6. Furthermore, the alternative method proposed by Petitioner will at all times guarantee the same, or a greater degree of protection as afforded by 30 CFR 75.1405.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.75-34122 Filed 12-17-75;8:45 am]

[1] Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 76-30]

ROCHESTER & PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Rochester & Pittsburgh Coal Company has filed a petition to modify the application of 30 CFR 75.1101-8(b) to the following mines located in Indiana County, Pennsylvania.

30 CFR 75.1101-8(b) provides:

Two or more branch lines, at least one of which shall be above the top belt and one between the top and bottom belt, shall be installed in each sprinkler system to provide a uniform discharge of water to the belt surface.

In support of its petition, Petitioner states:

1. Petitioner presently utilizes deluge-type, water spray, foam generator and dry chemical systems to control fire at main and secondary belt conveyor drives authorized by 30 CFR section 75.1101 *et seq.* in its Emilie, Jane and Margaret mines. Petitioner proposes to install a sprinkler system authorized by section 75.1101-6 in those mines and in its Urling mines, now under construction, but with a modification from the specific requirements of section 75.1101-8 (b) as discussed below.

2. Petitioner requests modification of section 75.1101-8(b) to permit the use of a single line as part of its sprinkler system at main and secondary belt conveyor drives at the above-captioned mines.

3. The proposed modification will both improve existing systems and guarantee no less than the same measure of protection afforded the miners by use of the dual branch lines because:

(a) The single branch line will be installed with nozzles at 8 foot intervals at or above the plane of the top belt and offset to the side, allowing water to be released onto the top and bottom surfaces of the top belt and top surface of the bottom belt;

(b) A single-line system installed in this fashion performs the purpose intended by the regulations. The preliminary report of the research team studying the efficiency of the single-line system under MESA's Technical Support Group concluded that a single-line sprinkler system of the type proposed by Petitioner is as efficient for safety purposes as the branch line system.

4. Petitioner's proposed system will meet requirements of sections 75.1101-8 (c), (d) and (e), and thereby improve reliability while providing no less than the same protection afforded miners by use of the dual branch system.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.75-34123 Filed 12-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A273]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Story County, Iowa, as a result of excessive rainfall May 27 through June 26, accompanied by high winds, hail, and lightning; and severe flooding June 26 and 27, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 2, 1976, for physical losses and September 1, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34091 Filed 12-17-75;8:45 am]

[Notice of Designation Number A274]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Marathon County, Wisconsin, as a result of a drought occurring on June 30, 1975, through August 20, 1975; excessive rainfall on September 1, 1975, through September 20, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Develop-

ment Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 2, 1976, for physical losses and September 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34092 Filed 12-17-75;8:45 am]

Forest Service

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Fremont National Forest Grazing Advisory Board will meet at 1:00 p.m. on January 21, 1976 in the Fremont Forest Supervisor's Office, 34 North D Street, Lakeview, Oregon. The purpose of this meeting is to discuss the 1975 Grazing Report, problems, budgeting, review of proposed manual amendments, the 10-year program, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Phil Lee, P.O. Box 551, Lakeview, Oregon 97630, Telephone 947–2151. Written statements may be filed with the grazing board before or after the meeting.

ERNEST B. PRICE, Jr.,
Acting Forest Supervisor.

DECEMBER 22, 1975.

[FR Doc.75-34065 Filed 12-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on February 5, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 20 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–967–5078.

Dated: December 15, 1975.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-34110 Filed 12-17-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, January 29, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301–921–3157).

Dated: December 12, 1975.

JOHN D. HOFFMAN,
Acting Director.

[FR Doc.75-34133 Filed 12-17-75;8:45 am]

VOLUNTARY PRODUCT STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Voluntary Product Standard PS 33–70, "Polytetrafluoroethylene (PTFE) Plastic-Lined Steel Pipe and Fittings."

This withdrawal action is being taken for the reason that the product is covered by American Society for Testing and Materials' ASTM F 432–75, "Polytetrafluoroethylene (PTFE) Plastic-Lined Ferrous Metal Pipe and Fittings," and the continued duplication of this standard is inappropriate. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of October 20, 1975 (40 FR 48959) to withdraw this standard.

The effective date for the withdrawal of this standard will be February 17, 1976. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 12, 1975.

JOHN D. HOFFMAN,
Acting Director.

[FR Doc.75-34131 Filed 12-17-75;8:45 am]

Office of the Secretary

REFRIGERATORS, COMBINATION REFRIGERATOR-FREEZERS, AND FREEZERS

Voluntary Energy Conservation; Testing and Labeling

By notice published in the FEDERAL REGISTER August 25, 1975 (40 FR 37063), the Department of Commerce announced its intention to issue a completed Appendix A to each of the following three Specifications: Voluntary Energy Conservation Specification No. 2–75, for Refrigerators; Voluntary Energy Conservation Specification No. 3–75, for Combination Refrigerator-Freezers; and Voluntary Energy Conservation Specification No. 4–75, for Freezers.

Interested parties were afforded an opportunity until September 24, 1975, to submit to the Assistant Secretary for Science and Technology written comments and suggestions relative to the proposed Appendix A to each Specification. Only two comments were received in response to the August 25, 1975, notice. These were revised energy values submitted by the Association of Home Appliance Manufacturers on behalf of the manufacturers who are members of the Association, and a copy of the values for energy consumption submitted by Amana Refrigeration, Inc. This correspondence and an analysis of the comments contained in it are available for public inspection at the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the data submitted, the proposed Appendix A to each of the three cited Specifications has been modified. The resulting final Appendix A's are hereby issued. In accordance with the

notice published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32415), each Specification will become fully operational on January 19, 1976. Manufacturers, however, may indicate their intent to become participants in the Program with respect to these Specifications at any time.

Potential participants are advised that an amendment to Specifications 2–75, 3–75, and 4–75 has been proposed in the FEDERAL REGISTER October 7, 1975 (40 FR 46337).

Issued: November 28, 1975.

BETSY ANCKER-JOHNSON, Ph.D.,
Assistant Secretary for Science and Technology.

The final Appendix A to each Specification is as follows:

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 2-75, FOR REFRIGERATORS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 2.5	3.5 and less	1.10	2.00		
2.5 to 3.4	1.5 to 4.5	1.10	2.70		
3.5 to 4.4	2.5 to 5.5	1.10	2.70		
4.5 to 5.4	3.5 to 6.5	1.40	2.70		
5.5 to 6.4	4.5 to 7.5	1.40	2.70		
6.5 to 7.4	5.5 to 8.5	1.40	2.20		
7.5 to 8.4	6.5 to 9.5	1.80	2.20		
8.5 to 9.4	7.5 to 10.5	1.80	2.40		
9.5 to 10.4	8.5 to 11.5	1.80	2.40		
10.5 to 11.4	9.5 to 12.5	1.80	2.40		
11.5 to 12.4	10.5 to 13.5	1.80	2.60		
12.5 to 13.4	11.5 to 14.5	1.80	2.90		
13.5 to 14.4	12.5 to 15.5	1.80	2.90		
14.5 to 15.4	13.5 to 16.5	1.80	2.90		
15.5 to 16.4	14.5 to 17.5				
16.5 and over	15.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 3-75, FOR COMBINATION REFRIGERATOR-FREEZERS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Partial Automatic defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 10.5	11.5 and less	3.20	4.40		
10.5 to 11.4	9.5 to 12.5	3.00	4.40	5.30	6.20
11.5 to 12.4	10.5 to 13.5	3.00	4.40	5.30	6.80
12.5 to 13.4	11.5 to 14.5	3.00	4.80	4.60	6.80
13.5 to 14.4	12.5 to 15.5	3.20	4.80	4.60	6.80
14.5 to 15.4	13.5 to 16.5	2.20	4.80	3.50	7.80
15.5 to 16.4	14.5 to 17.5	2.20	3.20	3.50	8.30
16.5 to 17.4	15.5 to 18.5	2.20	2.20	3.50	8.30
17.5 to 18.4	16.5 to 19.5			4.00	9.70
18.5 to 19.4	17.5 to 20.5			4.00	9.70
19.5 to 20.4	18.5 to 21.5			4.00	9.70
20.5 to 21.4	19.5 to 22.5			4.80	9.60
21.5 to 22.4	20.5 to 23.5			4.80	9.60
22.5 to 23.4	21.5 to 24.5			4.80	9.60
23.5 to 24.4	22.5 to 25.5			5.50	10.70
24.5 to 25.4	23.5 to 26.5			5.50	10.70
25.5 to 26.4	24.5 to 27.5			7.90	10.70
26.5 to 27.4	25.5 to 28.5			8.00	8.00
27.5 to 28.4	26.5 to 29.5			8.00	8.00
28.5 to 29.4	27.5 to 30.5			8.00	8.00
29.5 and over	28.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 4-75, FOR FREEZERS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 5.5	6.5 and less	2.30	3.40		
5.5 to 6.4	4.5 to 7.5	2.30	3.40		
6.5 to 7.4	5.5 to 8.5	2.40	3.40		
7.5 to 8.4	6.5 to 9.5	2.40	3.28		
8.5 to 9.4	7.5 to 10.5	2.89	4.35		
9.5 to 10.4	8.5 to 11.5	2.80	4.30		
10.5 to 11.4	9.5 to 12.5	3.00	4.30	6.00	6.90
11.5 to 12.4	10.5 to 13.5	3.00	5.10	6.30	6.90
12.5 to 13.4	11.5 to 14.5	3.40	5.10	6.30	6.90
13.5 to 14.4	12.5 to 15.5	3.40	6.80	6.30	7.90
14.5 to 15.4	13.5 to 16.5	3.40	6.80	5.40	7.90
15.5 to 16.4	14.5 to 17.5	3.70	6.80	5.20	7.90
16.5 to 17.4	15.5 to 18.5	3.50	5.60	5.20	7.50
17.5 to 18.4	16.5 to 19.5	3.50	6.50	5.20	7.50
18.5 to 19.4	17.5 to 20.5	3.50	5.50	6.00	7.50
19.5 to 20.4	18.5 to 21.5	3.60	6.10	6.00	7.50
20.5 to 21.4	19.5 to 22.5	3.60	6.60	6.00	7.80
21.5 to 22.4	20.5 to 23.5	4.20	6.60	7.80	7.80
22.5 to 23.4	21.5 to 24.5	4.90	6.60	7.80	7.80
23.5 to 24.4	22.5 to 25.5	4.90	6.90		
24.5 to 25.4	23.5 to 26.5	5.20	6.90		
25.5 to 26.4	24.5 to 27.5	5.20	8.40		
26.5 to 27.4	25.5 to 28.5	5.40	8.40		
27.5 to 28.4	26.5 to 29.5	6.40	8.40		
28.5 to 29.4	27.5 to 30.5	6.40	6.80	9.80	9.80
29.5 and over	28.5 and over	6.80	6.80	9.80	9.80

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

[FR Doc.75-32787 Filed 12-5-75;8:45 am]

REFRIGERATORS, COMBINATION REFRIGERATOR-FREEZERS, AND FREEZERS

Amendments to Labeling Specifications

By notice published in the FEDERAL REGISTER October 7, 1975 (40 FR 46337), the Department of Commerce announced its intention to amend Voluntary Energy Conservation Specifications Nos. 2-75, 3-75, and 4-75, for refrigerators, combination refrigerator-freezers, and freezers, respectively, which were published in the FEDERAL REGISTER of August 1, 1975 (40 FR 32415), in accordance with the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9. The proposed amendments to the three labeling specifications were made in accordance with Section 10.0 of each Specification.

These proposed amendments consist of minor changes to the figures and modifications to sections 5.1.6 and 5.2.2 in each of the three Specifications. The first proposed amendment is a change in the design of labels for refrigerators, combination refrigerator-freezers, and freezers having anti-sweat heater switches and is intended to produce improved label clarity and readability by making the effect of anti-sweat heater switches more evident and by clarifying the use of the terms "on" and "off". The second proposed amendment is a corresponding change in section 5.1.6 intended to clarify the use of the words "on" and "off" for the anti-sweat heater switches. The third proposed amendment is the addition of several notes to the label drawings and is intended to clarify the printing instructions. The fourth proposed amendment is a change in section 5.2.2 providing manufacturers with optional locations for attaching labels to the units.

Interested parties were afforded until November 6, 1975, to submit to the Assistant Secretary for Science and Technology written comments or suggestions relative to the proposed amendments.

Comments in response to the publication of the proposed amendments were received from four sources and were reviewed and analyzed within the Department. An analysis of the comments received has been prepared. A copy of this analysis; as well as copies of the comments received, is filed in the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230, and is available for public inspection at that location.

Accordingly, the Specifications Nos. 2-75, 3-75 and 4-75, for refrigerators, combination refrigerator-freezers, and freezers, respectively (40 FR 32415), are amended as set forth below. These amendments remain as proposed in the notice published in the FEDERAL REGISTER October 7, 1975 (40 FR 46337).

As an aid to locating and further describing the changes in the design of the labels, two minor additions have been made to the text of the description of the changes in the design of the labels as the description appeared at Item 1 in the notice on the proposed amendments (40 FR 46337). In Item 1.a., the phrase "in the cost of energy section" has been inserted following the phrase "with the Power Saver switch off" to distinguish the latter from the same phrase appearing in the energy consumption section. A new Item 1.e. has been added to describe certain minor clarifying changes in the wording of the note.

The effect of the changes in the design of the labels as described by Items 1 and 3 below is shown in the amended Figure 3 of Energy Conservation Specification No. 3-75, for Combination Refrigerator-Freezers. Because the changes in the other figures referred to are identical to the changes shown, good cause is found that publication of the other amended figures is unnecessary. *Effective date.* These amendments shall become effective January 19, 1976.

Issued: December 12, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

1. On the label designs shown in Figures 3, 5, and 7 of each of the three Specifications:

a. The phrase "with the Power Saver switch off" in the cost of energy section is changed to "with Power Saver switch on" and relocated, its type made heavier and changed to capital letters, and its color changed to Pantone Super Warm Red.

b. For the word "NOTE" and the cost of energy value in the note, the type size is increased.

c. For the value of the energy consumption with the Power Saver switch on, the color is changed to Pantone Super Warm Red.

d. In the second sentence of the note, in the column headings in the cost table, and in the energy consumption section, the term "off" is substituted for "on" and the term "on" substituted for "off," so that the terms are employed to indicate that the anti-sweat heater is activated with the Power Saver switch in the "off" position.

e. The first sentence of the note is changed to read, "This model has a Power Saver (anti-sweat heater) switch which you can turn off and on." The introductory clause of the second sentence is changed to read "When it is in the off position," and the second word thereafter is changed from "unit" to "model."

2. In section 5.1.6 of each of the three Specifications, the first sentence is revised to read:

In cases where a manufacturer labels his anti-sweat heater switch with nomenclature such as "Economizer" or "Power Economizer," this nomenclature may be substituted for the term "Power Saver" in the note on the label, in the column heading in the cost table, in the line reading "WITH POWER SAVER SWITCH ON," and in the explanations of energy consumption and cost of energy.

The third sentence of Section 5.1.6 is deleted.

3. On Figures 1, 3, 4, 5, 6, and 7 of each of the three Specifications, additional notes describing type sizes and directions regarding color have been placed around the label drawing. These notes and directions are not part of the label design.

4. Section 5.2.2 of each of the three Specifications is revised to read as follows:

a. For Specification 2–75:

The labels specified in 5.1.4 and 5.1.5 shall be attached either to the inside of the refrigerator compartment door or to the outside of the refrigerator. If attached to the inside of the refrigerator compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the refrigerator, the labels shall be positioned on the front near the top of the unit, except that for units less than four feet high the labels may as an option be positioned on the top near the front of the unit.

b. For Specification 3–75:

The labels specified in 5.1.4 and 5.1.5 shall be attached either to the inside of the refrigerator compartment door or to the outside of the combination refrigerator-freezer. If attached to the inside of the refrigerator compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the combination refrigerator-freezer, the labels shall be positioned on the front near tthe top of the unit, except that for units less than four feet high the labels may as an option be positioned on the top near the front of the unit.

c. For Specification 4–75:

The labels specified in 5.1.4 and 5.1.5 shall for upright freezers be attached either to the inside of the freezer compartment door or to the outside of the upright freezer. If attached to the inside of the freezer compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the upright freezer, the labels shall be positioned on the front near the top of the unit, except that for units less than four feet high the labels may as an option be placed on the top near the front of the unit. The labels specified in 5.1.4 and 5.1.5 shall for chest-type freezers be attached either to the inside of the freezer compartment lid, provided that the lid opens 75° or more, or to the outside of the chest-type freezer. If attached to the outside of the chest-type freezer, the labels shall be positioned either on the top near the front of the unit or on the front near the top of the unit.

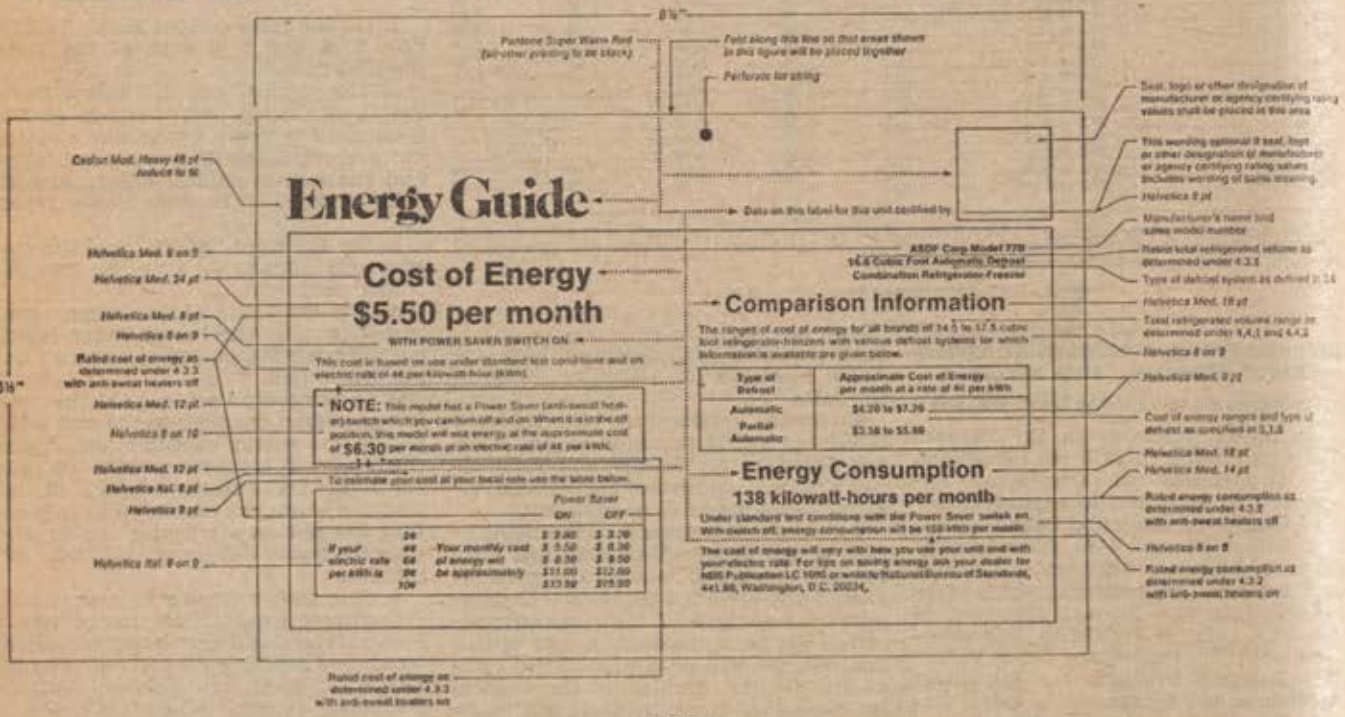


FIGURE 3
Combination Refrigerator-Freezer

[FR Doc.75-34099 Filed 12-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0320; DESI No. 6514]

COMBINATION COUGH PREPARATION CONTAINING DIMETHOXANATE HYDROCHLORIDE

Withdrawal of Approval of New Drug Application

A notice (DESI 6514; Docket No. FDC-D-537 (now Docket No. 75N-0320)) was published in the FEDERAL REGISTER of February 9, 1973 (38 FR 4006), in which the Commissioner of Food and Drugs offered an opportunity for hearing on his proposal to withdraw approval of the new drug application described below for Cothera Compound. The basis of the proposed action was that there is a lack of substantial evidence that the combination product is effective for its claimed use for the relief of cough. The notice further stated that, in lieu of requesting a hearing, the holder of the new drug application could file a notice of intent to reformulate and relabel the product. The holder of the new drug application neither requested a hearing nor expressed intent to reformulate the product. The product is no longer marketed by the firm. On December 14, 1973 (38 FR 34481), a notice was published in the FEDERAL REGISTER stating that products that contain an antitussive agent and one or more of certain other drugs that were subject to review in the OTC Study were exempt from further implementation procedures pending conclusions pursuant to the OTC Study of such drug entities. In effect, this exempted Cothera Compound pending such conclusions. However, in that no data concerning dimethoxanate hydrochloride were submitted for consideration in the OTC Study, the exemption no longer applies to that product and this notice withdraws approval of the new drug application for it.

Cothera Compound, containing dimethoxanate hydrochloride, isothipendyl hydrochloride, phenylephrine hydrochloride, acetaminophen, ammonium chloride, sodium citrate, and chloroform; formerly marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017 (NDA 11-706).

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance,

(HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The holder of the new drug application did not file a notice of intent to reformulate and relabel the product as provided by the notice of February 9, 1973. Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 11-706 and all amendments and supplements applying thereto is withdrawn effective December 29, 1975.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: December 11, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-34085 Filed 12-17-75;8:45 am]

[Docket No. 75N-0321; DESI NO. 5213]

COUGH PREPARATION CONTAINING DIMETHOXANATE HYDROCHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 5213) was published in the FEDERAL REGISTER of April 20, 1972 (37 FR 7827), in which the Food and Drug Administration announced its conclusions that the drug product described below is less than effective (probably effective) for the temporary relief of cough, and that additional evidence is required to establish its effectiveness. No data concerning effectiveness were received and the product has been reclassified as lacking substantial evidence of effectiveness. This notice proposes to withdraw approval of the new drug application. The holder of the new drug application no longer markets the product. Persons wishing to request a hearing must do so by January 19, 1976.

Cothera Syrup containing dimethoxanate hydrochloride; formerly marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017 (NDA 11-174).

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distributes a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 19, 1976, a written notice of appearance and request for hearing, and (2) on or before February 17, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: December 11, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-34084 Filed 12-17-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held January 15, 16, 17, 18, 1976, at the Holiday Inn-Downtown, 1000 East 6th Street, Reno, Nevada 89502.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92–318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb (b) of this title; and

(6) To submit to the Congress no later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Advisory Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on January 15, 16, 17, 18, 1976, will be open to the public beginning at 9:00 A.M. These meetings will be held at the Holiday Inn-Downtown.

The proposed agenda includes:

January 15, 1976

(1) Committee Discussions

January 16, 17, 18, 1976

(1) Executive Director's Report
(2) Planning future NACIE activities
(3) Regular Council Business
(4) Committee Reports

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C., on December 12, 1975.

LINCOLN C. WHITE,
Executive Director, NACIE.

[FR Doc.75-34115 Filed 12-17-75;8:45 am]

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting of the Federal Programs Evaluation Committee

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, that a meeting of the Federal Programs Evaluation Committee of the National Advisory Council on Extension and Continuing Education, that was to be held on December 16, 1975, has been rescheduled to meet on January 7, 1976, in the Council Office, 425 13th St. NW., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Federal Programs Evaluation Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376–8888) no later than December 31, 1975. The purpose of the meeting will be to review all Office of Education programs having extension and community service components. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St. NW., Washington, D.C.

JAMES A. TURMAN,
Executive Director.

DECEMBER 16, 1975.

[FR Doc.75-34315 Filed 12-17-75;10:35 am]

Office of the Secretary

OFFICE OF BILINGUAL EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare concerns the Office of Education. The citation to the functional statement for this office concerning the Office of Education, which is an element of the Education Division, is 40 FR 19515, 5/5/75, as amended.

The functional statement is further amended to attain the purposes of the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act of 1965 as amended by Section 105 of the Education Amendments of 1974). The following new statements are inserted immediately after the statement following the heading, Office of the Commissioner, Office of Career Education:

Office of Bilingual Education. The Office of Bilingual Education provides national leadership in development and administration of the policies of bilingual education of the Federal Government and provides for the coordination of the various programs which, in part or in whole, address themselves to the needs of persons of limited English speaking ability. The Office is responsible for administration of a program of assistance to develop and carry out bilingual education projects designed to meet the educational needs of students who have difficulty speaking and understanding instruction in the English language, and for administration of a bilingual education training program designed to strengthen bilingual-bicultural education programs by supporting training for teachers and trainers of teachers.

Division of Bilingual Education Program Development. Administers supportive grant activities at centers, State educational agencies, local educational agencies, and institutions of higher education which affect bilingual education programs. Provides national direction for the development of effective materials, practices and techniques used in bilingual education programs. Provides technical assistance to centers, State educational agencies, local educational agencies and institutions of higher education providing services for the development and dissemination of instructional materials and equipment suitable for use in bilingual education programs. Maintains appropriate operational systems for receipt and technical review of applications submitted for supportive and developmental activities. Directs long range planning for programs of equal educational opportunity which allow equal participation by students of limited English-speaking ability.

Division of Bilingual Education Elementary and Secondary Programs. Administers demonstration programs and awards funds to local educational agencies, State educational agencies and institutions of higher education for the support of projects designed to meet the special educational needs of students with limited English-speaking ability. Provides professional leadership, direction, and guidance in the stimulation, development, evaluation, and monitoring of projects in State and local educational agencies and institutions of higher education.

Division of Bilingual Education Postsecondary Programs. Administers and coordinates all bilingual education training activities supervised by institutions of higher edu-

cation excluding those under Part J of the Vocational Education Act of 1963, as amended by the Education Amendments of 1974. Assists in establishment, operation and improvement of training programs for personnel preparing to participate in programs of bilingual education and auxiliary and supplementary training programs. Provides financial assistnce to institutions of higher education for training programs in bilingual education.

Dated: December 11, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-34129 Filed 12-17-75;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Sunday, January 18, 1976, at 9:15 a.m. and Monday, January 19, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

The Review Panel will not meet on January 5 and 6, 1976, as originally scheduled.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245-7510.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary,
Review Panel on New Drug Regulation.

DECEMBER 11, 1975.

[FR Doc.75-34113 Filed 12-17-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Correction

In FR Doc. 75-32398 appearing at page 55885 in the issue for Tuesday, December 2, 1975, on page 55886 in the first column under *Sec. 4-05-20*, paragraph (D) (2), the fourth line now reading "assure effective and economical in man—" should have read "assure effective and economical operations in man—".

Social Security Administration

ADDITIONAL DELEGATIONS OF AUTHORITY

Determinations Concerning the Appointment of Representative Payees for Individuals Entitled to Benefits Under Title II of the Social Security Act, as Amended

Section 205(b) of the Social Security Act, as amended (the Act), confers upon the Secretary of Health, Education, and Welfare (the Secretary) authority to make findings of fact and decisions as to the rights of individuals applying for payments under title II of the Act. Section 205(j) of the Act further confers upon the Secretary authority to certify payment to a relative of any applicant entitled to benefits under title II, or to some other person, if the interest of the applicant would be served thereby. The Secretary has delegated authority to perform these functions to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836, dated April 16, 1968). From time-to-time, the Commissioner has redelegated these authorities to appropriate subordinate positions in the Social Security Administration (SSA), or has modified such redelegations.

Notice is hereby given that the Commissioner has redelegated the following authority, under section 205(j) of the Act, to the additional SSA positions enumerated below:

I. Authority to make final determinations as to whether payments to individuals entitled to benefits under title II of the Act should be certified for payment to representative payees; and

II. Authority to make final determinations as to who should be appointed to serve as representative payees on behalf of individuals entitled to benefits under title II of the Act, including authority to determine whether or not to continue the appointment of a particular representative payee.

Delegates	*Scope of authority*
A. Claims representatives and field representatives, district and branch offices, Office of Program Operations.	A. and B. Cases within the jurisdiction of district and branch offices, Office of Program Operations.
B. All district and branch office positions in the direct line of supervision over the positions specified in item A. above.	Do.

These additional redelegations are effective as of the date that this notice is published in the FEDERAL REGISTER. Further redelegations may not be made.

Dated: December 12, 1975.

JAMES B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-34135 Filed 12-17-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-75-457]

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Request for Nomination of Members

On November 17, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (FR 53298) a Request for Nomination of Members to the captioned Advisory Board.

Such nominations were to be submitted in writing to J. Robert Hunter, Acting Federal Insurance Administrator of HUD, Room 4100, 451 Seventh St. SW., Washington, D.C. 20410, on or before December 15, 1975. The Administrator hereby extends the deadline for submissions until January 9, 1976.

Issued at Washington, D.C., December 15, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34218 Filed 12-17-75;8:45 am]

[Docket No. D-75-394]

ACTING AREA DIRECTOR, MINNEAPOLIS-ST. PAUL AREA OFFICE

Designation

Designation of Acting Area Director—Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Area Counsel.
4. The Director, Housing Management Division.
5. The Director, Community Planning and Development Division.
6. The Director, Administrative Division.

Effective date—This designation and delegation shall be effective on December 18, 1975.

MADELINE HASTINGS,
Acting Area Director,
Minneapolis-St. Paul Area Office.

[FR Doc.75-34097 Filed 12-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS, EXECUTIVE COMMITTEE

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Executive Commit-

tee, which is being utilized as an advisory committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It is to be held January 23, 1976, in RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m. Agenda items include:

1. Approval of the Minutes of the October 17, 1975, meeting.
2. Special Committee Activities Report for October–December 1975.
3. Chairman's Report on RTCA administration and activities including FAA Sponsorship of RTCA.
4. Appointment of an ad hoc group for nomination and selection of a new RTCA Chairman.
5. Appointment of an ad hoc group to plan a future work program for RTCA.
6. Report on the status of the proposed RTCA Rotational Internship Program.
7. Report of the MPS/MOC Informal Group's activities.

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to the RTCA Secretariat. Requests to receive additional information or to be heard should be made by contacting the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, telephone (202 296–0484.

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

EDGAR A. POST,
Designated Officer.

[FR Doc.75–34078 Filed 12–17–75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Monday, January 19 and Tuesday, January 20, 1976 in Jacksonville, Florida, at the Jacksonville Hilton Hotel, 565 South Main Street.

The Committee was established to provide advice to the Federal Railroad Administration (FRA) concerning solutions to problem areas involving the operating rules of the nation's railroads.

This meeting is being held in Jacksonville, Florida in keeping with the FRA's policy of scheduling Advisory Committee meetings at locations throughout the country so as to facilitate public participation by railroad labor and management personnel and other interested persons. The agenda for this meeting will include the discussion of the top two "leading causes of train accidents attributed to negligence of employees" as stated by the National Transportation Safety Board in its special study entitled "Train Accidents Attributed to the 'Negligence of Employees' " (NTSB–RSS–72–1). These two causes are identified as (1) failure to secure by handbrake including failure to set handbrakes on sufficient number of cars, and (2) absence of man on or at leading car being pushed. These two causes were chosen for further study at the November meeting of the Committee. In addition to these topics the Committee will also review material related to railroad operating rules training programs, and continue its study of the training issue.

The entire meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426–8220 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. The public will also be provided the opportunity to participate in the Committee discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

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

BRUCE M. FLOHR,
Deputy Administrator
Committee Chairman.

[FR Doc.75–34064 Filed 12–17–75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON TRANSPORTATION-RELATED SIGNS AND SYMBOLS

Notice of Renewal

Notice is hereby given that the Advisory Committee on Transportation-Related Signs and Symbols is being renewed. The Assistant Secretary of Transportation for Environment, Safety, and Consumer Affairs is sponsor of the Committee, which consists of 22 experts on the development and use of symbol signs drawn from Government agencies, the transportation industry, and the fields of graphic arts and industrial design. The Committee makes recommendations for the development of a comprehensive system of transportation-related, passenger/pedestrian-oriented symbol signs to meet U.S. needs in domestic and international transportation.

The Secretary of Transportation has determined that formation and operation of the Advisory Committee on Transportation-Related Signs and Symbols are necessary in the public interest in connection with the performance of duties imposed on the Department of Transportation by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., December 10, 1975.

WILLIAM R. MEYERS,
Executive Director, Advisory Committee on Transportation-Related Signs and Symbols.

[FR Doc.75–34128 Filed 12–17–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28545]

DELTA AIR LINES, INC.

Proposed Approval of Application for Disclaimer of Jurisdiction

Application of Delta Air Lines, Inc. for disclaimer of jurisdiction, approval under section 408 of the Federal Aviation Act of 1958, as amended, or for an exemption under section 416 thereof and motion to withhold information from public disclosure, Docket 28545.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until December 23, 1975, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 15, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

ORDER APPROVING TRANSACTION AND GRANTING MOTION

Delta Air Lines, Inc. (Delta), requests that the Board disclaim jurisdiction over or, in the alternative, approve without hearing, pursuant to the third proviso of section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act), or grant an exemption from section 408 pursuant to section 416(b) of the Act, with respect to a sales transaction as more fully described below.

Delta has also filed a motion to withhold from public disclosure the purchase agreement and supporting agreements relating to the transaction being considered herein.[1]

Delta is a certificated air carrier holding domestic, international, and overseas authorizations. It has entered into a purchase agreement with FBA Aircraft, S.A. (FBA), pursuant to which Delta will sell to FBA 21 DC–8–51 aircraft and 19 JT3D–1 spare engines. FBA is a corporation organized under the laws of Panama and is engaged primarily as a broker/dealer of used aircraft and conducts business largely outside the United States.

The purchase agreement establishes *inter alia*, prices for the aircraft and engines, delivery and payment schedules, maintenance status of aircraft and engines at time of delivery, and certain guarantees to Delta in the event of default on the purchase agreement by FBA. Included in these guarantees

[1] These documents include a purchase agreement; a guarantee by Fred B. Ayer and Pan Ayer, S.A.; a pledge agreement by Fred B. Ayer II; and a letter concerning deposits into an escrow fund. The latter three documents are considered by Delta to be part of the purchase agreement itself.

is a separate guarantee by Frederick B. Ayer (Mr. Ayer) and Pan Ayer, S.A. (Pan Ayer), and a pledge by Frederick B. Ayer II (Mr. Ayer II) of nonvoting common stock of FBA and Pan Ayer. Mr. Ayer is president and a member of the board of directors of FBA and is chief operating officer and chairman of the board of directors of Pan Ayer. Mr. Ayer also owns all of the stock of Frederick B. Ayer and Associates, Inc. (Associates), and Universal Trading Corporation, Delaware and Panama corporations, respectively, both engaged in aircraft leasing. Through Associates he has 50 percent control of Mackey International Airlines, Inc., an air commuter operating pursuant to the exemption of Part 298 of the Board's Economic Regulations and specific large-aircraft exemptions.[3] Mr. Ayer II owns approximately 92 percent of the nonvoting common stock of Pan Ayer and all of the nonvoting common stock of FBA. Pan Ayer is another Panamanian corporation engaged as an aircraft broker/dealer outside the United States.

In support of the application, Delta asserts that it, on the one hand, and FBA and Pan Ayer, on the other, have no officer or directors in common nor do the companies own or exercise any control over any other company involved in the transaction; that the sale is being made as part of Delta's fleet standardization and modernization program which will increase efficiency and reduce costs; that each of the aircraft and spare engines will be surplus to Delta's needs by the scheduled delivery date; that the purchase agreement is the result of an arm's-length bargaining; that the securities and guarantees described above are normal for a transaction of the type being considered herein; that Delta will obtain certain *nonvoting* stock of Pan Ayer and FBA only upon default under the pledge agreement; and that should Delta obtain the stock, it would be unable to exercise any control over Pan Ayer or FBA. The applicant states further that the contemplated sale does not involve a substantial portion of Delta's properties within the meaning of section 408;[4] that the percentages of aircraft, lift capacity, and market value of aircraft are less than those prescribed in Part 299 of the Board's Economic Regulations, although the number of aircraft exceeds the limit (10 aircraft) therein; that the transaction and accompanying guarantee and pledge are consistent with the provisions of section 408(b) of the Act; and that prompt approval by the Board is necessary since any delay might mean the transaction could not be consummated.

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the Federal Register, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the above, it is concluded that Delta is an air carrier, that FBA is a phase of aeronautics, that the aircraft involved in the contemplated transaction constitute a substantial part of the properties of Delta, all within the meaning of section 408 of the Act,[4] and that the transaction is therefore subject to section 408 of the Act. However, it is further concluded that the above-described transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This sale agreement was entered into after arm's-length bargaining and there appear to be no interlocking or control relationships between Delta, on the one hand, and FBA or Pan Ayer, on the other. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that Delta will be hindered in performing its certificate obligations since the aircraft involved in the transaction will be surplus to Delta's needs at the time of disposal.[5]

Therefore, it is found that the transaction should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act and that, except to the extent specifically granted herein, the application should be dismissed.

We shall grant Delta's motion to withhold the purchase agreement and supporting agreements from public disclosure. Disclosure of the agreements would impair FBA's ability to resell the aircraft and could therefore cause a termination of the agreement, to Delta's disadvantage. Further, in the event of termination of the purchase agreement for any reason, disclosure of the agreements could impair Delta's ability to negotiate a new sale for the aircraft remaining in its possession. Disclosure of such information at this time would serve no public interest. In such circumstances we find, pursuant to section 1104 of the Act, that disclosure of such information at this time would be adverse to Delta's interests and it is not required in the interests of the public. Accordingly, we shall grant confidential treatment to the purchase agreement and the supplemental agreements.

ACCORDINGLY, IT IS ORDERED THAT:

1. The application for approval of the sale transaction described herein be and it hereby is approved;

2. The motion of Delta to withhold the purchase agreement and supporting agreements as set out in footnote 1, *supra*, from public disclosure be and it hereby is granted; and

3. To the extent not specifically granted herein, all requests in docket 28545 be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] ——— ———,
Secretary.

[FR Doc.75-34143 Filed 12-17-75;8:45 am]

[3] This control relationship was authorized by the Board in *Frederick B. Ayer et al., Control Relationships*, order 75-7-84, July 17, 1975.

[4] The aircraft constitute 11 percent of Delta's total aircraft, 10.75 percent of Delta's overall lift capacity, and 1.5 percent of the market value of Delta's aircraft.

[4] The Board has repeatedly reaffirmed the 10 percent rule of thumb in determining substantiality in acting on aircraft lease or sales transactions; *i.e.*, it has held that it will disclaim jurisdiction when the equipment being leased or sold involves *less than 10* percent of the carrier's fleet in terms of market value, lift capacity, *and* number of aircraft. See *Sterling Airways A/S and Overseas National Airways, Inc., Dry-Lease Transaction*, order 75-9-80, Sept. 23, 1975, and specifically n. 2 therein.

[5] A primary objective of sec. 408 of the Act is to insure that by disposing of aircraft an air carrier does not impair its ability to perform its certificate obligations. (Cf. order 70-5-111, May 21, 1970.)

[Order 75-12-55; Docket 26494, Agreement C.A.B. 25549, R-1 through R-6, Agreement C.A.B. 25571]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Air Fares

DECEMBER 12, 1975.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific air fares.

Agreements have 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). The agreements, adopted at the 1975 Composite Passenger Traffic Conference held at Cannes during October, would close fares in the North/Central Pacific through March 31, 1976.[1]

In essence, the agreements readopt, with a 3 percent general increase, presently effective North/Central Pacific fares, which in turn generally reflect IATA fares in effect prior to April 1, 1975.[2] In addition, the agreements establish new 30/120 day excursion fares from U.S. points to most major Asian destinations at levels $20 to $49 above presently existing non IATA long duration excursion fares; incorporate and increase by 3 percent present group 30/40 GIT fares specified in yen from Japanese points to U.S. destinations and established outside of IATA by intercarrier agreement and approved by the Board,[3] and amend present rules governing group 10 GIT fares to permit individual return travel from the last stopover point in Asia.

The purpose of this order is to establish dates for the submission of carrier justification in support of the subject agreement and comments from other interested persons. The carrier justification should include historical data for the calendar year ending December 31, 1975 for total Pacific services, based upon the carriers' experience as reported to the Board in Form 41 reports for the first 3

[1] Previous agreements attempting to close fares in this area and outlined in procedural Order 75-10-8, dated October 1, 1975, were declared defeated by IATA in a transmittal to the Board dated October 28, 1975. In addition, Appendix A sets forth a comparison of present and proposed fares in selected U.S.-Asia markets.

[2] Order 75-3-100, dated March 26, 1975, acted upon an IATA-proposed North/Central Pacific fare structure for effect April 1, 1975. In that order, the Board, *inter alia*, disapproved all North/Central Pacific normal economy fares to/from U.S. points, all promotional fares to/from Alaskan points and a 3 percent currency surcharge on sales of U.S.-originating passenger fares.

[3] See Order 75-9-106, September 29, 1975, which approved the replacement of Contract Bulk Inclusive Tour fares from Japan with GIT fares for minimum size groups of 40 to Hawaii and 30 to Alaska and the continental United States.

quarters of 1975 and an estimate of 4th quarter 1975 performance. The data should then be adjusted to exclude charter and cargo operations as well as intra Pacific passenger operations so as to establish the present economic status of passenger services in the area covered by the subject agreements.[4] The carriers will also be expected to include a forecast for the year ending December 31, 1976, both including and excluding the increased fares for which approval is sought. Finally, although Northwest Airlines, Inc. is not a party to the IATA agreements, we will nevertheless expect it to provide data comparable to that requested above.

[4] A suggested format is shown in Appendix B, which should also be used to set forth historical and forecast information relating to traffic and capacity.

In addition, we request the North/Central Pacific carriers to address several outstanding questions of fare structure in this market, *i.e.*, continuation of a number of promotional fares at discounts in excess of 50 percent, the relatively high yields from Alaska-Far East fares compared with that from fares to/from other United States gateways, and the rationale behind the open return provision proposed for the group 10 GIT fares.

Accordingly, IT IS ORDERED THAT:

1. All United States air carrier members of the International Air Transport Association shall file within ten days after the date of service of this order, full documentation and economic justification, as described above, in support of the subject agreements;

2. Northwest Airlines, Inc. shall file within ten days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and/or objections from interested persons shall be submitted within seventeen days after the date of service of this order; and

4. Tariffs implementing the subject agreements shall not be filed in advance of Board action on the subject agreements.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

North/Central Pacific Fares

	West Coast-Tokyo		West Coast-Hong Kong		West Coast-Singapore	
Fare	Present	Proposed	Present	Proposed	Present	Proposed
First Class	$1,624	$1,674	$2,094	$2,158	$2,288	$2,358
Economy	1,004	1,036	1,274	1,314	1,452	1,496
14/21 Day Exc.	964	920	1,179	1,125	1 141	1,280
30/120 Day Exc. 1/	650	670	690	721	-	-
Affinity Group						
(25)	793	817	968	998	1,103	1,137
(70)	550	567	685	706	-	-
(100)	437	451	-	-	-	-
35 Day IIT	853	879	1,042	1,074	1,187	1,223
GIT Basic	564	581	743	766	866	892
Peak	684	705	881	908	1,005	1,036
30/40 Group GIT 2/						
Basic	484.40	499.33	-	-	-	-
Shoulder	619.50	638.52	-	-	-	-
Peak	638.10	657.44	-	-	-	-

1/ Available only from the U. S.
2/ Available only from Japan. Fares are specified in Japanese yen and are converted to U. S. dollars at the IATA 021b exchange rate of $1 = 296 yen.

Appendix A

Operating Revenues and Expenses
International - Pacific Area

	HISTORICAL						FORECAST - ENDED 12/31/76	
		Exclusions 2/			N/Central Pacific Scheduled Passenger 4/		N/Central Pacific Scheduled Passenger Operations	
Revenues	ear Ended Decem^er 31, 1975 1/	Military & Commercial Charter Services	Total Intra Pac. Operations	Cargo Services 3/	As Reported	Accounting Adjustments 5/	At present fares	At proposed fares
Total passenger rev. (scheduled)								
Express (scheduled)								
Freight (scheduled)								
Mail (scheduled)								
Charter, passenger								
Charter, freight								
Other transport								
Over-all transp. rev.								
Non-transport revenue								
Over-all operating rev.								
Expenses								
Flying Operations-fuel								
Maintenance - direct								
Maintenance - indirect								
Passenger service								
Aircraft & Traffic serv.								
Promotion and sales								
General & administration - transport related								
Amortization of Development and Preop. Exp. etc.								
Depreciation, flight equipment								
Depreciation, other than flight equipment								
Over-all operating expenses								
Operating profit (loss)								
Other non-operating Income & Expense, Net								
Net Income Before Tax								
Income Tax @ 48 percent								
Special Items - net								
Income after tax and Special Items								
Additional interest exp.								
Return element								
Investment								
ROI								

Appendix B

1/ As reported in Form 41 for the first 3 quarters of 1975 and an estimate of performance for the 4th quarter of 1975.
2/ Pan American is required to exclude separately its total South Pacific operations.
3/ Belly and all cargo services, including mail.
4/ Balance.
5/ To include but not limited to an annualization of present revenues and expenses -- explain fully.

[FR Doc.75-34142 Filed 12-17-75;8:45 am]

TOURIST ENTERPRISES CORP., "ORBIS"

Notice of Reassignment of Proceeding

Correction

In FR Doc. 75-33710 appearing at page 58169 in the issue for Monday, December 15, 1975 in the second line of the first paragraph, the reference, "d/b/a Polish Travel Bureau" should have read "d/b/a Orbis Polish Travel Bureau".

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TERMINATING BILATERAL COTTON TEXTILE AGREEMENT OF MARCH 15, 1967, AS AMENDED AND EXTENDED, BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE POLISH PEOPLE'S REPUBLIC

Levels of Restraint

DECEMBER 11, 1975.

On February 25, 1975, there was published in the FEDERAL REGISTER (40 F.R. 8120) a letter dated February 20, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on March 1, 1975. The purpose of this notice is to announce that, inasmuch as notes have been exchanged establishing a new bilateral cotton textile agreement, the Governments of the United States and the Polish People's Republic have agreed to terminate the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended.

Accordingly, there is published below a letter of December 11, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of February 20, 1975.

Effective date: December 11, 1975

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

December 11, 1975.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229:

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on December 11, 1975, the directive of February 20, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, effective on March 1, 1975 and for the twelve-month period extending through February 29, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products, produced or manufactured in Poland, in excess of certain specified levels of restraint.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the

implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-34111 Filed 12-17-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

DEFINITION OF BONA FIDE HEDGING TRANSACTIONS OR POSITIONS

Notice of Public Hearing

Commencing at 10:00 a.m. on Thursday, January 8, 1976, the Commodity Futures Trading Commission ("Commission") will receive oral and written testimony from interested persons concerning the definition of the terms "bona fide hedging transactions or positions" 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. Interested persons may participate in that hearing, which will be held at: The Federal Building, 26 Federal Plaza, Conference Room 2705 (27th Floor), New York, New York.

BACKGROUND

Section 4a of the Act authorizes the Commission to establish limits on the trading and position of any person under contracts of sale for future delivery on or subject to the rules of any contract market. That section provides, however, that those limits shall not "apply to transactions or positions which are shown to be bona fide hedging transactions or positions as such terms . . . [are] defined by the Commission. . . ."

On Monday, August 18, 1975, the Commission published notice in the FEDERAL REGISTER seeking comment on an appropriate definition for the terms "bona fide hedging transactions or positions." *See* 40 F.R. 34627. In response to the Commission's announcement, nearly 100 comments were received from exchanges, traders, dealers, producers, and other interested persons. Subsequently, the Commission published notice in the FEDERAL REGISTER on Friday, October 17, 1975, which stated:

> In response to . . . . [the August 18] 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 stress the same issues, numerous areas were raised which the Commission had not previously 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.[1]

The Commission's announcement of October 17, 1975, also stated that the Commission had appointed an Advisory Committee on the Economic Role of Contract Markets which would be considering the definition of "bona fide hedging transactions or positions." The Commission's Advisory Committee has discussed these terms and will be holding further meetings to discuss this topic. In addition, members of the Advisory Committee may participate in the hearing on January 8, 1976.

The Commission particularly desires information on hedging needs and practices in the newly-regulated commodities, and how such practices and needs should be reflected in an effective hedging definition. Comment is also sought with regard to hedging practices and needs in the newly-approved futures contracts in Treasury bills and mortgage-backed certificates guaranteed by the Government National Mortgage Association.

Anticipatory hedging is another concept on which comment is desired. The Commission would like specific examples of how anticipatory hedging might apply to purchases and sales of commodities and to sales of their products and by-products, along with explanation of how such anticipatory hedging would reduce business risks.

The Commission also seeks comment and information on how international commodity and futures markets are arbitraged, and how such arbitrage transactions contribute to reduction in commercial business risks.

Interested persons should also refer to the Commission's FEDERAL REGISTER notice of August 18, 1975, 40 FR 34627, for a list of the general areas in which the Commission wishes comment. The Commission and its staff may question commentators more specifically at the conclusion of their prepared testimony.

Persons interested in participating in the Commission's hearing should contact Dennis Avery, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, (202) 254-6289, before December 30, 1975. In addition, persons wishing to appear at the Commission's hearing should forward an outline of their proposed testimony to Mr. Avery by January 4, 1976. Oral presentations will be limited to 15 minutes.

Dated: December 12, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-34086 Filed 12-17-75;8:45 am]

[1] 40 FR 48688. In addition, the Commission's October 17 announcement stated that public hearings could be held on an appropriate definition for that term.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 469-8; OPP-180059]

ARIZONA

Issuance of a Specific Exemption To Use DEF as a Defoliant Harvest Aid

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency has granted a specific exemption to the State of Arizona (hereafter referred to as the "Applicant") to use DEF (S,S,S-tributylphosphorotrithioate) as a defoliant harvest aid on okra located in Pinal County, Arizona. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, the State of Arizona produces 80 percent of the Nation's okra seed on 100 acres located in Pinal County, Arizona; these acres must be defoliated before frost occurs to provide uniform drying of the okra seed, thereby preventing pod shattering. Without this exemption allowing the use of DEF defoliant as a harvest aid, the losses would amount to one-half the crop; the economic loss potential would be approximately $48,000. The Applicant proposed to apply by air 225 pounds A.I. of the DEF on the 100 acres to defoliate the crop. The Applicant requested that the application be made as soon as possible, in view of the fact that there was imminent danger of frost conditions. No adverse effects on man or the environment are anticipated as a result of the requested use pattern, which is similar to that for cotton.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation does exist in Arizona; (b) there is no pesticide presently registered and available for use to control the okra seed situation in Arizona; (c) there are no alternative methods of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the okra seed are not desiccated; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 1, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The treated acreage of okra shall not exceed one hundred (100) acres;
2. The treated okra is to be used only for seed;
3. The rate of application of DEF shall be 2.25 pounds A.I. per acre;
4. A pesticide product labeled for use on cotton, a closely related use pattern, shall be applied;
5. The Applicant must supervise aerial applications to minimize drift to non-target areas. The pesticide must be kept out of lakes, streams, and ponds. The pesticide is not to be applied where runoff is likely to occur;
6. The Applicant must follow any more stringent requirements imposed by State law or regulation or applied by the State pesticide regulatory authority; and
7. The Applicant is reminded of the reporting requirements of § 166.5 of the amended FIFRA.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: December 12, 1975.

JOHN B. RITCH, Jr.,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-34020 Filed 12-17-75;8:45 am]

[FRL 470-7; PP5G1576/T22]

AMERICAN CYANAMID CO.

Notice of Extension of Temporary Tolerance; Difenzoquat Methylsulfate (1,2-dimethyl-3,5-diphenyl - 1*H* - pyrazolium methyl sulfate)

On May 8, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20128) that, in response to a pesticide petition (PP 5G1576) submitted by American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, temporary tolerances had been established for residues of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) in or on the following raw agricultural commodities: 1. Wheat straw at 20 parts per million (ppm).

2. Wheat grain, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm (negligible residues).

American Cyanamid Co. has requested a one-year extension of these temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the extension of the temporary tolerances will protect the public health. The temporary tolerances are being extended, therefore, on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire December 15, 1976. Residues not in excess of these temporary tolerances remaining in or on the raw agricultural commodities listed above will not be considered to be actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dater: December 15, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 436a(j)].

[FR Doc.75-34166 Filed 12-17-75;8:45 am]

[FRL 470-5; PP4G1453/T21]

AMERICAN CYANAMID CO.

Notice of Reextension of Temporary Tolerance; Difenzoquat Methylsulfate (1,2-Dimethyl-3,5-Diphenyl - 1H - Pyrazolium Methylsulfate)

On May 15, 1975, the Environmental Protection Agency (EPA) announced (39 FR 17346) that, in response to a pesticide petition (PP 4G1453) submitted by American Cyanamid Co., P.O. Box 400, Princeton NJ 08540, temporary tolerances had been established for residues of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H* pyrazolium methylsulfate) in or on the raw agricultural commodities listed below: Barley straw at 0.5 part per million (ppm).

Barley grain and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm (negligible residues).

These temporary tolerances were to have expired on May 8, 1975.

On January 31, 1975, the EPA announced (40 FR 4676) that, in response to a request by the petitioner, the Agency had granted a one-year extension of the temporary tolerances for negligible residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm and the establishment of higher levels of 20 ppm in or on barley straw and 0.2 ppm in or on barley grain. These temporary tolerances are to expire on January 24, 1976. American Cyanamid Co. has requested a further one-year extension of these temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of barley treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the reextension of the temporary tolerances will protect the public health. The temporary tolerances are being renewed, therefore, on condition that the herbicide be used in accordance with the experimental use permit with the following provisions.

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. The American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire December 15, 1976. Residues not in excess of these temporary tolerances remaining in or on the raw agricultural commodities listed above will not be considered to be actionable if the herbicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: December 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

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

[FR Doc.75-34164 Filed 12-17-75;8:45 am]

[FRL 470-6; PP4G1470/T8A]

CHEVRON CHEMICAL CO.

Notice of Renewal of Temporary Tolerance; Diquat (6,7-Dihydrodipyrido (1,2-a:2',1'-c)Pyrazidiinium)

On September 9, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 41833) that, in response to a request by the Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, it had granted a one-year renewal of a temporary tolerance for negligible residues of the herbicide and plant regulator diquat (6,7-dihydrodipyrido (1,2-a:2',1,-c) pyrazidiinium) derived from application of the dibromide salt and calculated as the cation in or on the raw agricultural commodity potatoes at 0.2 part per million (ppm). Both this temporary tolerance and the experimental use permit, which was renewed concurrently, were to have expired September 2, 1976.

The petitioner has subsequently requested that the temporary tolerance be extended for forty-nine days to permit continued testing to obtain additional data and to permit the marketing of potatoes treated in accordance with the experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the extension of the temporary tolerance will protect the public health. The temporary tolerance is being extended, therefore, on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active herbicide and plant regulator to be used must not exceed the quantity authorized by the experimental use permit which was issued September 2, 1975.

2. Chevron Chemical Co., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires October 21, 1976. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodity potatoes after the expiration of this tolerance will not be considered to be actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: December 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

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

[FR Doc.75-34165 Filed 12-17-75;8:45 am]

[FRL 470-8; OPP-50051]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-49) allows the use of 520 pounds of the herbicide tebuthiuron against various grasses and weeds in sugarcane. A total of approximately 400 acres is involved; the program is authorized only in Louisiana and Texas. The experimental use permit is effective from November 26, 1975, to November 26, 1976. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-34167 Filed 12-17-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PUBLIC DOCUMENT ROOM

Change of Address

Notice is hereby given that the Energy Research and Development Administration (ERDA) Public Document Room (formerly at 1717 H Street, NW., Washington, D.C. 20545) is now located at

20 Massachusetts Avenue, NW., Washington, D.C. 20545.

ERDA Rules and Regulations referring to the location of the ERDA Public Document Room will be revised to reflect the new address, as appropriate, when next reprinted.

Dated: December 1, 1975.

ROBERT F. ALLNUTT,
Deputy Assistant Administrator
for Administration.

[FR Doc.75-34061 Filed 12-15-75;9:24 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Annual Report

DECEMBER 30, 1975.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. 552B, notice is hereby given that the Annual Report of the Export-Import Bank of the United States has been filed with the Library of Congress and is on record at the Export-Import Bank of the United States.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Miss Joan P. Harris, 811 Vermont Avenue NW., Washington, D.C. 20571.

JOAN P. HARRIS,
Advisory Committee,
Management Officer.

[FR Doc.75-34144 Filed 12-17-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OIL SHALE CORPORATION

Notice of Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which, on October 31, 1975, was executed between The Oil Shale Corporation (TOSCO) and the FEA. In accordance with that section, the FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by the FEA, the FEA may, based upon comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative order.

II. THE CONSENT ORDER

The Oil Shale Corporation, located at 10100 Santa Monica Boulevard, Los Angeles, California 90067, is a firm engaged in the refining and resale of petroleum products. It has two refining subsidiaries, Toscopetro and Lion Oil, located in California and Arkansas, respectively.

On August 25, 1975, the FEA issued a Notice of Probable Violation (NOPV) to TOSCO alleging, in part, that the FEA had reason to believe TOSCO's practice of treating its refining subsidiaries, Lion Oil and Toscopetro, as independent entities with respect to the measurement and allocation of costs, was in violation of 10 CFR § 212.83. The NOPV alleged that the FEA pricing regulations require the measurement and allocation of costs on a single firm basis.

In concluding this compliance proceeding and in resolution of the issues raised in the August 25, 1975 NOPV, the FEA and TOSCO entered into a Consent Order on October 31, 1975, the significant terms of which are that:

(1) TOSCO shall immediately cease its separate pricing practices and begin treating the entire firm, including Lion Oil and Toscopetro, as a single pricing entity under FEA regulations;

(2) TOSCO shall make cash refunds and price rollbacks to various Lion Oil and Toscopetro customers on a pro-rata basis totaling $1,831,021.80 to gasoline purchasers, $376,427.09 to No. 2 oil purchasers, and $469,626.98 to purchasers of general refinery products;

(3) TOSCO shall pay a total of $187,688.67 in interest payments on the refunds due to customers, assessed from the period November 1, 1974 to June 30, 1975 at an annual rate of 6 percent and after July 1, 1975 at an annual rate of 9 percent;

(4) TOSCO shall notify refund recipients that the amounts refunded shall be deemed a reduction in the recipients' product costs for purposes of their own compliance with FEA regulations and to assure that an appropriate portion of the benefits of the TOSCO refunds be received by downstream purchasers;

(5) Since the refunds do not represent the recoupment of costs by the combined firm in excess of actual combined costs

incurred, but rather, an allegedly improper manner of allocating cost recoupment between the two refining subsidiaries, TOSCO may credit the refunds made under this Consent Order to the costs available for recovery in the months of greatest overrecovery for each respective product;

(6) TOSCO shall pay to the U.S. Treasury the amount of $162,000.00 in compromise of civil penalties pursuant to 10 CFR § 205.202(c)(2); and

(7) The provisions of 10 CFR § 205.197, including the publication of this Notice, are applicable to the Consent Order.

The FEA has determined that the public interests required immediate implementation of the Consent Order. Therefore the provisions of the Consent Order relating to restitution were implemented on the date of its execution, October 31, 1975. However, the actions already taken to implement this order are subject to modification if the FEA determines that such modification is necessary after the receipt of public comments.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to: Mr. William C. Arntz, Regional Administrator, Region IX, Federal Energy Administration, 111 Pine Street, San Francisco, California 94111. Copies of this Consent Order may be received free of charge by written request to this same address or by calling (415) 556-7216.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on TOSCO Consent Order." All comments received by 4:30 p.m. p.d.t. on the 30th calendar day following publication of this notice will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., December 12, 1975.

Michael F. Butler,
General Counsel.

[FR Doc.75-34063 Filed 12-15-75;9:25 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-164]

ALABAMA GAS CORP.

Notice of Application

December 10, 1975.

Take notice that on November 19, 1975, Alabama Gas Corporation (Applicant), 1918 North First Avenue, Birmingham, Alabama 35295, filed in Docket No. CP76-164 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 of liquefied natural gas (LNG) to South Carolina Electric and Gas Company (South Carolina), within the contemplation of Section 2.68 of the Commission's General Policy and Interpretations (18 CFR 2.68), to assist South Carolina in commencing its own LNG plant operations and in protecting its high priority customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that South Carolina is now in the process of completing a LNG storage plant located in Charleston, South Carolina, but that the liquefaction facility will not be completed for use during the 1975-76 winter heating season. It is said that because South Carolina's liquefaction facility has not been completed, South Carolina projects a deficiency in its gas supply for the 1975-76 winter heating season of approximately 80,000 Mcf of gas. In order to assist South Carolina in meeting its high-priority requirements during the 1975-76 heating season and to provide South Carolina with necessary quantities of LNG for cooling of South Carolina's LNG storage facility before its operation may begin, Applicant requests authorization to make a sale to South Carolina of 165,000 Mcf of LNG. It is stated that such sale will be made pursuant to the terms of a November 17, 1975, agreement which provides that Applicant will deliver 55,000 Mcf of LNG during November and December 1975, and Applicant will make its best effort to deliver 55,000 Mcf in January and 55,000 Mcf in February, 1976. Based upon a stated cost of service per Mcf of $1.80 plus a commodity cost as of October 16, 1975, of 58.793 cents per Mcf, Applicant will charge South Carolina $2.38793 per Mcf of gas sold under the instant proposal. Applicant estimates that it presently has available sufficient LNG volumes to make the proposed sale to South Carolina without interfering with its present system operations and without jeopardizing service to its own high-priority customers. Applicant states that South Carolina will transport the LNG by truck from Applicant's peak-shaving LNG plants located in Pinson and Coosada, Alabama, to Charleston, South Carolina.

Applicant states that because it and South Carolina are now and, after expiration of the proposed sales, will continue to be engaged strictly in intrastate operations, Applicant requests a certificate subject to the following conditions:

1. The certificate shall be limited to authorization of the sale proposed herein;

2. The Commission shall waive any accounting and other requirements generally applicable to a "natural-gas company" for the term of the certificate and with respect to this sale, except for the volumes sold and charges made for such volumes;

3. The Commission shall indicate that all of the facilities and operations and related activities of Applicant and South Carolina are and will continue to be exempt from Commission regulations, and the non-jurisdictional status of the existing sales, operations and facilities of Applicant and South Carolina will not be rendered jurisdictional or otherwise affected by Commission regulation by reason of any certificate issued for the proposed sales; and

4. The Commission shall indicate that upon the requested abandonment becoming effective, Applicant and South Carolina will not be considered as natural-gas companies within the meaning of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 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.75-34030 Filed 12-17-75;8:45 am]

[Docket Nos. E-7775 and ER76-321]

APPALACHIAN POWER CO.

Filing of Proposed Rate Increase

December 10, 1975.

Take notice that Appalachian Power Company (Appalachian) on November 26, 1975, filed with the Commission a letter dated November 25, 1975, addressed to the Mayor of the City of Martinsville, Virginia (Martinsville), in which Appalachian notified Martinsville of its intention to serve Martinsville on and after January 1, 1976, on a day-to-day basis. Appalachian states that it advised Martinsville that the rates, terms and conditions of such day-to-day service would be as set forth in Appalachian's F.P.C. Rate Schedule No. 27 as theretofore amended and as further amended by the November 25, 1975, letter and by the two (2) Supplements attached to the November 25, 1975, letter. The first of those Supplements incorporates Appalachian's "Rate Schedule WS" presently the subject of proceedings in Docket No. E-7775; the second would replace the fuel adjustment clause of Rate Schedule

WS by a filing identical with that made in Docket No. ER76-24.

Appalachian has requested an effective date of January 1, 1976.

Appalachian states that Martinsville would have paid increased charges of approximately $165,550, or 7.03%, had the rates and charges proposed been in effect during calendar year 1974. Appalachian also states that it has served the materials tendered both on Martinsville and on the State Corporation Commission of the Commonwealth of Virginia.

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 December 19, 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.75-34031 Filed 12-17-75;8:45 am]

[Rate Schedule Nos. 12, *et al.*]

ATLANTIC RICHFIELD CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

DECEMBER 10, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 23, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Nov. 20, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	12	El Paso Natural Gas Co.	Permian Basin.
Do	do	13	do	Do.
Do	do	62	do	Do.
Do	do	132	do	Do.
Do	do	168	do	Do.
Do	do	193	do	Do.
Do	do	367	do	Do.
Do	do	402	do	Do.
Do	do	406	do	Do.
Do	do	493	do	Do.
Do	do	497	do	Do.
Do	do	500	do	Do.
Do	do	501	do	Do.
Do	do	503	do	Do.
Do	do	565	do	Do.
Do	do	633	do	Do.
Do	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	185	Arkansas Louisiana Gas Co.	Other Southwest.
Do	Amoco Production Co., 500 Jefferson Bldg., Houston, Tex. 77001.	5	El Paso Natural Gas Co.	Permian Basin.
Do	do	17	do	Do.
Do	do	115	do	Do.
Do	do	168	do	Do.

[FR Doc.75-34021 Filed 12-17-75;8:45 am]

[Docket No. ER76-324]

BOSTON EDISON CO.

Tariff Change

DECEMBER 10, 1975.

Take notice that Boston Edison Company, on December 2, 1975, tendered for filing proposed changes in its FPC Electric Rate Schedule, No. 44, for service to the Braintree Municipal Light Department of Braintree, Massachusetts. That rate schedule now provides that the fuel clause applicable to Edison's partial requirements service to Braintree shall be whatever fuel clause is from time to time applicable in Edison's General Service for Resale Rate for All Requirements Service. The proposed changes would continue until March 31, 1976, the date Edison's service to Braintree terminates, the fuel clause currently applicable to that service regardless of any changes Edison makes in its fuel clause for all requirements service.

The proposed changes were agreed to by both Edison and Braintree and are intended for their mutual benefit. The changes were made because Edison will have to modify the fuel clause in its rate for all requirements service to conform to the requirements of Order No. 517. Both Edison and Braintree believe that the revisions to their basic rate and fuel clause necessary to comply with the requirements of Order No. 517 would create undue burden. Edison, supported by Braintree, included in its filing a request for waiver of the requirements of Order No. 517 for the remaining term of its service to Braintree.

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 December 22, 1975. Protests will be considered by the Commission in determining the appropriate actions 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.75-34032 Filed 12-17-75;8:45 am]

[Docket No. ER 76-329]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Fuel Clause Filing

DECEMBER 10, 1975.

Take notice that Central Vermont Public Service Corporation on December 2, 1975, tendered for filing amendments to its wholesale electric tariff to bring its fuel cost adjustment clause into compliance with Commission Order No. 517. Central Vermont requests that the proposed changes be allowed to become effective on January 1, 1976.

The company states that copies of this filing have been mailed to its wholesale customers affected by the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 December 22, 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.75-34033 Filed 12-17-75;8:45 am]

[Docket No. CP76-161]

CITY OF FALFURRIAS, TEXAS, AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 10, 1975.

Take notice that on November 13, 1975, the City of Falfurrias, Texas (Applicant), Falfurrias, Texas 78355, filed in Docket No. CP76-161 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of American (Respondent) to sell natural gas to Applicant for resale and distribution for residential and small commercial use, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a municipality engaged in the local distribution of natural gas to the public. It is stated that Applicant has been receiving natural gas from Mobil Oil Corporation (Mobil) as successor in interest to La Gloria Oil and Gas Company at the residue outlet of Mobil's La Gloria gas processing plant. Such deliveries are said to be made pursuant to short-term contracts which have expired, and the wells providing such supply have depleted with the exception of one well. The production from the one remaining well as alleged to have declined to the point where volumes produced can no longer supply the needs of Applicant and are continuing to decline. Applicant states that all other attempts to obtain natural gas service from interstate and intrastate sources have been unsuccessful.

Applicant requests that the Commission order Respondent to provide natural gas to Applicant for its small commercial and residential customers, which are estimated to require 201,000 Mcf of natural gas at 14.65 psia per year for the next three years. The estimated daily maximum delivery is 1,200 Mcf of gas and the average daily quantity is 500 Mcf, all at 14.65 psia. Applicant further states that Respondent is currently receiving deliveries of natural gas at the residue outlet of the La Gloria gas processing plant; therefore, there would be no need for Respondent to construct any facilities since Applicant is said to have taken delivery off the return residue line running from the plant to leases in the immediate vicinity.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 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 156.9). 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.75-34034 Filed 12-17-75;8:45 am]

[Docket No. RP75-106 and Docket No. RP75-105]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On November 18, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to further extend the procedural dates fixed by order issued July 14, 1975, as most recently modified by notice issued October 30, 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, January 12, 1976.
Service of Company Rebuttal, January 26, 1976.
Hearing, February 10, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34047 Filed 12-17-75;8:45 am]

[Docket No. RP75-8 (PGA No. 76-1)]

COMMERCIAL PIPELINE CO., INC.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on November 20, 1975, Commercial Pipeline Company, Inc. (Commercial), filed Eighth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to effect a PGA increase of 2.03¢ per Mcf or $6,083 annually.

The increase would track a rate increase by Commercial's sole supplier, Cities Service Gas Company which became effective on November 23, 1975. Commercial requests waiver of the prior notice requirement to permit the PGA increase to become effective on November 23, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 December 19, 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.75-34035 Filed 12-17-75;8:45 am]

[Docket No. ER76-320]

CONNECTICUT LIGHT & POWER CO.

Filing of Rate Schedule

DECEMBER 10, 1975.

Take notice that The Connecticut Light and Power Company (CL&P) on December 2, 1975, tendered for filing proposed changes in its FPC Electric Tariff Resale Service Rate R-2. CL&P proposes to amend its fuel adjustment clause, to adjust its demand charges in its tariff, and to make other minor modifications in the present tariff.

CL&P states that the purpose of the proposed rates is to recover its increased costs of service, in particular the capacity costs associated with its ownership interest in the nuclear generating unit known as Millstone Unit 2, which is expected to begin commercial operation during December, 1975, and to reflect higher depreciation rates and the Company's adoption for ratemaking purposes of the accounting procedures relating to interperiod allocations of income taxes promulgated by Commission Order 530.

CL&P requests an effective date of January 1, 1976.

CL&P states that copies of the filing were served upon its jurisdictional customers and the Connecticut Public Utilities Control Authority.

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 December 22, 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.75-34028 Filed 12-17-75;8:45 am]

[Docket No. ER76-223]

DUKE POWER CO.

Notice of Filing

DECEMBER 11, 1975.

Take notice that on November 6, 1975, Duke Power Company (Company) tendered for filing a supplement to the Company's Electric Power Contract with the City of Monroe, North Carolina. This contract is on file with the Commission and has been designated "Duke Power Company Rate Schedule FPC No. 238".

The documents submitted with this filing are Exhibit A-2, Delivery Point No. 1, dated October 30, 1975, and Exhibit A, Delivery Point No. 3, dated February 7, 1974. The Company states that Exhibit A-2, Delivery Point No. 1 provides for termination of this point of delivery. Exhibit A, Delivery Point No. 3, provides for a new point of delivery. The Company

states that these changes were made at the request of the customer. The Company requests that these documents become effective on December 19, 1975.

The Company states that copies of the Exhibits have been served on the City of Monroe, North Carolina.

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 protest should be filed on or before December 22, 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.75-34036 Filed 12-17-75;8:45 am]

[Docket No. E-9267]

ELECTRIC ENERGY, INC.

Order Terminating Proceeding

DECEMBER 10, 1975.

On February 18, 1975, Electric Energy, Inc. (EEI), tendered for filing (1) Modification No. 11 [1] to its Contract No. AT-(40-1)-1312 ("Contract") with the Energy Research and Development Administration (ERDA), the successor to the Atomic Energy Commission and (2) Amendment No. 5 [2] to its Interim Supplemental and Surplus Power Agreement ("Agreement") with its Sponsors.[3]

EEI was formed in 1950 for the purpose of selling electric energy to a gaseous diffusion uranium enrichment facility which the United States Atomic Energy Commission, ERDA's predecessor agency, constructed and which ERDA now operates at Paducah, Kentucky. Because of the magnitude of the power needs of the Paducah facility EEI was organized by a group of electric utilities.[4]

EEI constructed and operates a 1,000 MW generating station at Joppa, Illinois. Modification 11 to the Contract provides for the delivery of 735 NW of power to ERDA from the Joppa facility from April 1, 1975 through December 31, 1989, except for the months of June through September, 1975, 1976 and 1977, when only 235 MW is to be delivered.

The tendered agreements result in additional charges to ERDA of $64,976 and to the Sponsors of $860,442, for the twelve month period ending March 31, 1976. The agreements also change the allocation arrangement of power and energy from the previous method by which ERDA had the right to the first 735 MW from the Joppa plant with the remainder being available to the Sponsors to a plan under which ERDA and the Sponsors have an equal right to specific percentages of the Joppa Plant output. Under the new agreement, ERDA benefits from non-operating income of EEI, an item previously used to decrease charges to the Sponsors.

The new agreement also provides for additional services to be made available to ERDA, such as economy energy, additional power and make-up power, which may be beneficial to ERDA in that the opportunity to purchase energy at a lower cost than that produced at the Joppa Plant was not provided under the previous agreement.

Also included within the terms of Modification 11 is a provision for ERDA to pay a surcharge during the period August 1, 1980 through December 31, 1989. The surcharge to be paid by ERDA, calculated as the product of 735 MW multiplied by 0.7 mills/kwh multiplied by the number of hours in the month for which billing is taken place, amounts to $25.9 million.

EEI contends that such surcharge constitutes satisfaction of and compliance with the requirements of the preceding agreement which provides that there shall be a "partial reimbursement for costs incurred by the Sponsoring Companies" resulting from the cancellation and subsequent reinstatement of 500 MW of power by ERDA in the middle 1960's. The company states further that the surcharge provision was arrived at and agreed to through negotiations between the parties.

By our Order, issued April 27, 1975, both Modification 11 to the Contract and Amendment 5 to the Agreement were accepted for filing and permitted to become effective, as proposed, on April 1, 1975.[5] With regard to the surcharge provision, however, we instituted an investigation [6] pursuant to the authority vested in us under Section 206 of the Federal Power Act.

The Commission Staff and EEI are the only parties to this proceeding. On October 14, 1975, the Staff filed a letter stating that no issue exists which would warrant the service of Staff's testimony and that, therefore, no Staff evidence would be served. Consequently, on October 28, 1975, EEI filed a Motion to Terminate the Section 206 investigation. In support of its motion and as an exhibit attached thereto, EEI introduced a letter in which ERDA states its belief that EEI should be allowed to implement Modification 11 including the surcharge provision.

Notice of EEI's Motion to Terminate was issued on November 19, 1975 with protests or petitions to intervene due on or before November 24, 1975. No protests or petitions have been received.

Upon consideration of EEI's Motion and further review of the surcharge provision contained in Modification 11, we are of the opinion that no purpose would be served by further proceedings in this docket and that it would be in the public interest to terminate the proceeding. Accordingly, we conclude that good cause exists to grant EEI's Motion of October 28, 1975.

The Commission finds. Good cause exists to grant EEI's Motion of October 28, 1975 and, consequently, to terminate the Section 206 investigation initiated by our Order of April 23, 1975, in this docket.

The Commission orders. (A) EEI's Motion of October 28, 1975, requesting termination of the Section 206 investigation initiated by our Order of April 23, 1975, in this Docket is hereby granted.

(B) The Section 206 investigation initiated by our Order of April 25, 1975, in this Docket is hereby terminated.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34049 Filed 12-17-75;8:45 am]

[Docket No. RP76-45]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that El Paso Natural Gas Company (El Paso), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under El Paso's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

El Paso states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, El Paso also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. El Paso states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. El Paso further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff

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[1] Designated, "Rate Schedule FPC No. 3, Supplement No. 9".

[2] Designated, "Rate Schedule FPC No. 4, Supplement No. 20".

[3] EEI's Sponsors are Union Electric Company, Illinois Power Company, Kentucky Utilities Company, and Central Illinois Public Service Company.

[4] EEI was organized by Union Electric Company, Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company, and Middle South Utilities Company. They held 40%, 20%, 20%, 10% and 10% of EEI's stock, respectively. Kentucky Utilities has since acquired all of the shares held by Middle South Utilities Company.

[5] *Electric Energy, Incorporated*, Docket No. E-9267, Order issued April 23, 1975, mimeo. ed., p. 5.

[6] *Ibid.*

sheet in El Paso's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34037 Filed 12-17-75;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-1)]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On November 26, 1975, Texas International Petroleum Corporation filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by order issued November 14, 1975, in the above-designated proceeding.

On December 5, 1975, El Paso Natural Gas Company filed a response to the above motion stating that it does not oppose the extension of procedural dates but will oppose any further extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of El Paso's Testimony, January 8, 1976.
Service of Staff and Intervenor Testimony, February 12, 1976.
Service of Company Rebuttal, February 26, 1976.
Hearing, March 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34048 Filed 12-17-75;8:45 am]

[Docket No. ER76-318]

FLORIDA POWER CO.

Interconnection Filing

DECEMBER 10, 1975.

Take notice that on December 1, 1975, Florida Power Corporation ("Florida Power") tendered for filing an Interconnection Agreement ("Agreement") between Florida Power and the City of Lakeland, Florida, entered into on October 22, 1975. The Agreement provides for the following interconnection services: emergency energy, short-term firm capacity and energy, economy energy and long-term firm capacity and energy. Florida Power asks that the Agreement, in accordance with its terms, be permitted to become effective on January 1, 1976.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before December 19, 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 (19 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Florida Power are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34038 Filed 12-17-75;8:45 am]

[Docket No. ER76-322]

ILLINOIS POWER CO.

Proposed Rate Schedule Changes

DECEMBER 10, 1975.

Take notice that on December 1, 1975, Illinois Power Company (Illinois) tendered for filing with the Commission an amendment to each of the agreements between Illinois and nine electric cooperative associations for purchase of power. Each of these agreements became effective January 1, 1973 and are designated as the following rate schedules:

Rate schedule	*Electric cooperative*
FPC No. 52	Clinton County Electric Cooperative, Inc.
FPC No. 53	Corn Belt Electric Cooperative, Inc.
FPC No. 54	Farmers Mutual Electric Co.
FPC No. 55	Illinois Valley Electric Cooperative, Inc.
FPC No. 56	McDonough Power Cooperative
FPC No. 57	Monroe County Electric Cooperative, Inc.
FPC No. 58	Southwestern Electric Cooperative, Inc.
FPC No. 59	Tri-County Electric Cooperative, Inc.
FPC No. 60	Western Illinois Power Cooperative, Inc.

According to Illinois, the proposed changes are being made to conform the fuel adjustment clause contained in each of the agreements to FPC Order No. 517. The proposed effective date for these changes is January 1, 1976.

Illinois states that the proposed changes are being filed as an alternative to the request previously filed by the nine electric cooperative customers in Docket No. ER76-119 for a one year extension of the effective date of a conforming fuel clause in the aforementioned rate schedules to January 1, 1977. Illinois had concurred in cooperatives' requested waiver. Illinois states that the revised fuel clause tendered in the instant filing is intended to conform with Order No. 517 in the event the Commission declines to grant the requested one year waiver.

Copies of the instant filing have been served by Illinois upon each of the nine electric cooperative customers.

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 Commissions' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 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.75-34039 Filed 12-17-75;8:45 am]

[Docket No. RP75-110]

LAWRENCEBURG GAS TRANSMISSION CORP.

Change in Rate

DECEMBER 10, 1975.

Take notice that on November 17, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg), Post Office Box 960, Cincinnati, Ohio 45201, filed in Docket No. RP75-110 a notice of change in rate pursuant to Section 4 of the Natural Gas Act consisting of Original Sheet Nos. 9 through 12 and 21 of Lawrenceburg's Gas Tariff, First Revised Volume No. 1, to set forth a plan for the curtailment of deliveries of natural gas, all as more fully set forth in the notice of change in rate on file with the Commission and open to public inspection.

Lawrenceburg states that the proposed gas tariff sheets incorporate a *pro rata* type curtailment plan under which Lawrenceburg will allocate its available gas supply that it receives from its sole supplier, Texas Gas Transmission Corporation (Texas Gas), to its two wholesale customers, Lawrenceburg Gas Company (Lawrenceburg Gas) and The Cincinnati Gas & Electric Company (Cincinnati). The proposed plan is said to establish seasonal entitlements for each of Lawrenceburg's two customers, the total of which is equal to Lawrenceburg's seasonal entitlements from Texas Gas. The entitlements of each customer are based on the past four-year average year purchased volumes. When Lawrenceburg's gas supply is inadequate to meet its customers' seasonal entitlements, it

would invoke curtailment on a pro rata basis by the application of a percentage to the seasonal entitlement volumes.

A provision is provided in the proposed plan for penalties in the event a buyer exceeds his authorized seasonal quantity entitlement. The actual assessed penalties would be limited by the penalty charges incurred by Lawrenceburg from its supplier. Also included is a provision for exemption from curtailment to protect high priority loads whereby additional curtailment would be assigned to one buyer in order to protect the other buyer.

A provision is included to take care of the "Credit Allowances as a Result of Curtailment" that Lawrenceburg may receive from its supplier. This allowance would be assigned to each buyer on the basis that each buyer's curtailment was below his seasonal quantity entitlements. No penalty charges or credit allowances would accrue to buyers unless penalty charges or credit allowances are realized by Lawrenceburg from Texas Gas.

In explaining the reason for the proposed plan, Lawrenceburg notes that it presently does not have a curtailment plan due to the fact that it was rendering wholesale natural gas service to only two wholesale customers, one on a "firm service basis" and one on an "excess service basis"; and giving consideration to the anticipated minor curtailment from its supplier, Texas Gas, a curtailment plan for Lawrenceburg was unnecessary since it could asign all curtailment volumes from Texas Gas to its "excess service basis" customer, Cincinnati. This could be done contractually by means of its applicable Rate Schedule EX–1 and its service agreement with Cincinnati without a filed curtailment plan. Because of the deepening curtailment by Texas Gas, Lawrenceburg says that it now finds that it will be unable to meet the high priority loads of Cincinnati. Lawrenceburg, therefore, on June 23, 1975, filed in Docket No. CP75–370 for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, authorizing the continuation of a sale for resale to Cincinnati on a firm rather than an excess basis. Receipt of authorization for the change in service on October 31, 1975, is said to require the introduction of a curtailment plan to allocate the available gas supply from Texas Gas to Lawrenceburg's two wholesale customers on an equitable basis.

In order to facilitate the change from "excess service" to "firm service" to Cincinnati and to effectuate a curtailment plan, Lawrenceburg's firm service customer, Lawrenceburg Gas, is said to have agreed to assign some of its contract demand and annual volumes to Cincinnati. Lawrenceburg Gas' contract demand volume of 15,000 Mcf would be reduced to 12,000 Mcf to conform approximately to its historical maximum day purchase, with 3,000 Mcf assigned to Cincinnati. The annual quantity entitlement by seasons of Lawrenceburg from Texas Gas would be allocated between Lawrenceburg Gas and Cincinnati on the basis of a historical four-year average year basis. Lawrenceburg says that it has elected to use a *pro rata* type curtailment plan rather than the Commission policy plan set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) considered by Lawrenceburg and its customers to be the most equitable plan for Lawrenceburg.

Any person desiring to be heard or to make any protest with reference to said notice of change in rate should on or before December 22, 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.75-34040 Filed 12-17-75;8:45 am]

[Docket No. ER76-316]

LOUISIANA POWER & LIGHT CO.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on December 2, 1975, Louisiana Power & Light Company (LP&L) tendered for filing a proposed service agreement with the City of Vidalia, Louisiana. LP&L states that the purpose of the new agreement is to increase contract quantities and to relocate and increase the capacity of the substation serving Vidalia. LP&L states further that the proposed filing is intended to supersede its FPC Rate Schedule No. 41 with Vidalia and that no change in rates are involved.

A copy of the filing has been served upon Vidalia.

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 December 22, 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.75-34041 Filed 12-17-75;8:45 am]

[Docket No. RP72-149 PGA76-4a]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

DECEMBER 10, 1975.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on December 4, 1975, submitted for filing Substitute Alternate Thirty-Sixth Revised Sheet No. 3A and Substitute Alternate Thirty-Seventh Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective December 15, 1975 and January 1, 1976, respectively. Such tariff sheets which are filed pursuant to the provisions of Mississippi's purchased gas cost adjustment clause substitute any and all previous tariff sheets filed to become effective on the aforementioned dates.

Mississippi submitted schedules containing computations supporting the rate changes to be effective December 15, 1975 and January 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 December 23, 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 unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34043 Filed 12-17-75;8:45 am]

[Docket No. ER76-287]

MIDDLE SOUTH SERVICES, INC. ALABAMA POWER & LIGHT CO.

Rate Schedule Change

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Middle South Services, Inc. (MSS) tendered for filing a letter agreement dated November 3, 1975 between MSS, as agent for Arkansas Power & Light Company (AP&L), and Southwestern Electric Power Company (SWEPCO) amending Schedule RE, a supplement to the Interconnection Agreement between AP&L and SWEPCO which is on file with the Commission as Supplement No. 10 to Rate Schedule FPC No. AP&L 20. Schedule RE provides for replacement energy transactions between the systems of the two companies. Also filed with the Commission was a Certificate of Concurrence dated November 13, 1975 by SWEPCO.

MSS states that the change being made in the proposed amendatory letter agreement is in the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. According to MSS, the rate for each kilowatt hour is the same rate previously accepted for filing under Schedule ES of the same Interconnection Agreement.

The effective date for the proposed change is January 1, 1976.

MSS states that copies of the filing are being sent to AP&L and SWEPCO.

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 December 22, 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.75-34042 Filed 12-17-75;8:45 am]

[Project No. 2301]

MONTANA POWER CO.

Issuance of Annual License

DECEMBER 10, 1975.

On December 23, 1968, the Montana Power Company, Licensee for Mystic Lake Project No. 2301, located in Stillwater County, Montana, on West Rosebud Creek and Mystic Lake, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder. Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate to The Montana Power Company for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to The Montana Power Company (Licensee) under the Federal Power Act for the period January 1, 1976, to December 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34057 Filed 12-17-75;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Order Denying Application for Rehearing

DECEMBER 10, 1975.

By order issued August 29, 1975, in the instant proceeding, we, *inter alia*, accepted for filing and suspended for one month, or until October 1, 1975, Montaup Electric Company's (Montaup) proposed increased rates filed herein. By order issued November 3, 1975, we granted certain Applications for Rehearing filed by Intervenors[1] herein to the extent that we amended our order of August 29 by providing for a suspension of the proposed increased rates for five months, or until February 1, 1976.

Montaup, on November 14, 1975, filed an Application for Rehearing of our November 3, 1975, order, seeking further modification of the suspension period to permit its proposed rates to become effective January 1, 1976. In support of its Application, Montaup states that its Canal No. 2 generating unit will become commercially operational on or before December 31, 1975, and that if it is not permitted to charge rates based on the inclusion of that unit in rate base for the month of January, it will lose $338,147 in after tax earnings. Montaup also relies on the possibility of additional losses in the event Canal No. 2 goes into service on December 1, 1975 and on its need for outside financing for its construction program for the years 1975–1987.

We believe that, except for the maximum period set by the Federal Power Act, the length of the suspension period we may order under Section 205(e) of the Act is a matter entrusted to our discretion.[2] Nothing contained in Montaup's Application for Rehearing persuades us that we should suspend its proposed rates for less than the maximum period permitted by statute. As we stated in our August 29, 1975 order, these rates have not been shown to be just and reasonable. Any loss which Montaup alleges is predicated on collection of rates which, therefore, may not be just and reasonable and may be subject to reduction after hearing and decision. The allegation of a loss of revenues, therefore, is not persuasive that we should permit these rates to become effective before the end of the five month suspension period. Accordingly, we shall deny Montaup's Application for Rehearing.

The Commission finds. Montaup's Application for Rehearing raises no new issues of fact or law not previously considered, or, considered herein, to justify granting rehearing.

The Commission orders. (A) Montaup's Application for Rehearing is hereby denied.

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

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34050 Filed 12-17-75;8:45 am]

[1] The Municipal Gas and Electric Department of the Town of Middleboro, Massachusetts (Middleboro) and the Rhode Island Consumers' Council and Division of Public Utilities and Carriers of the State of Rhode Island (Rhode Island). Montaup also filed a Motion for Reconsideration of our August 29 order, seeking an extension of the suspension period of an additional two months.

[2] See: *Municipal Light Boards of Reading and Wakefield, Massachusetts v. Federal Power Commission*, 450 F. 2d 1341, 1351–2 (D.C. Cir. 1971).

[Project No. 2207]

MOSINEE PAPER CO.

Issuance of Annual License

DECEMBER 10, 1975.

On December 26, 1974, Mosinee Paper Company, Licensee for Mosinee Project No. 2207, located on the Wisconsin River near Mosinee, Wisconsin, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 2207 was issued effective January 1, 1938, for a period ending December 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Mosinee Paper Company for continued operation and maintenance of Project No. 2207.

Take notice that an annual license is issued to Mosinee Paper Company (Licensee), for the period January 1, 1976 to December 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Mosinee Project No. 2207, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34051 Filed 12-17-75;8:45 am]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

[Docket No. CP75-348; Docket Nos. CP75-372 and CP75-373; Docket No. CP76-11]

Extension of Procedural Dates

DECEMBER 10, 1975.

National Fuel Gas Supply Corporation, Tennessee Gas Pipeline Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation,

Transcontinental Gas Pipe Line Corporation.

On December 5, 1975, National Fuel Gas Supply Corporation, Tennessee Gas Pipeline Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, and Transcontinental Gas Pipe Line Corporation jointly filed a motion to extend the procedural dates fixed by order issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Applicants and Intervenor Testimony, January 20, 1976.
Hearing, February 17, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34052 Filed 12-17-75;8:45 am]

[Docket No. ER76-315]

NEW BEDFORD GAS & EDISON LIGHT CO.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on December 1, 1975, the New Bedford Gas and Edison Light Company (New Bedford) tendered for filing a change in its rate schedule governing the determination of carrying charges on certain 345KV transmission facilities. New Bedford requests an effective date of January 1, 1976.

New Bedford states that copies of this filing have been mailed to it customers.

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 December 19, 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.75-34044 Filed 12-17-75;8:45 am]

[Docket Nos. E-9136 and E-9140]

NEW ENGLAND POWER CO.

Notice of Compliance Filing

DECEMBER 8, 1975.

Take notice that November 21, 1975, New England Power Company (NEPCO), in compliance with ordering paragraph B of the Commisison's order of August 5, 1975 and paragraph D of its order of December 3, 1975, filed revised tariff sheets effective for the period June 1, 1975 through August 1, 1975 reflecting reduced rates consistent with the Commission's orders. According to NEPCO, refunds with interest at nine percent per annum are being made to reflect the reduced rates. NEPCO states that these refunds are subject to final adjudication pending the outcome of NEPCO's appeal of the Commission's refund orders to the United States Court of Appeals For the First Circuit.

According to NEPCO, its present tariff sheets, made effective as of August 2, 1975 by the Commission's order of October 3, 1975 reflect an approximate $13 million annual reduction in the rate contained in previously filed tariff sheets which they superceded. NEPCO believes that these currently effective tariff sheets are in full compliance with the Commission's orders of August 5 and October 3, 1975. Hence, no superceding tariff sheets are being filed, it states.

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 December 22, 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.75-34022 Filed 12-17-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER CO.

Compliance Filing

DECEMBER 10, 1975.

Take notice that on November 19, 1975 New England Power Company (NEPCO) tendered for filing a request for an effective date of December 20, 1974 for its unit sales contracts with Montaup Electric Company, New Bedford Gas and Electric Company, Bangor Hydro Electric Company and Vermont Electric Power Company relative to the output of NEPCO's Brayton Point No. 4 Unit. In conjunction with its request, NEPCO agrees that the rates charged under the contracts shall be subject to refund as of the effective date, pending final disposition of the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 December 22, 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.75-34045 Filed 12-17-75;8:45 am]

[Docket No. CP75-361]

NORTHERN NATURAL GAS CO.

Extension of Procedural Dates

DECEMBER 11, 1975.

On December 5, 1975, Northern Natural Gas Company filed a motion to extend the procedural dates fixed by order issued December 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Applicant and supporting parties Testimony, January 16, 1976.
Hearing, January 23, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34060 Filed 12-17-75;8:45 am]

[Docket No. ER-76-102]

OHIO POWER CO.

Proposed Change in Rates and Charges

DECEMBER 10, 1975.

Take notice that Ohio Power Company (OPCO), on December 2, 1975 tendered for filing proposed Supplement to the Facilities and Operating Agreement dated as of May 1, 1967 between the Dayton Power and Light Company and Ohio Power Company. The proposed changes, which OPCO states have been agreed to by the Dayton Power and Light Company, would increase revenues from jurisdictional sales and service by $1,671,434, based on the 12-month period ending September 30, 1975.

OPCO states that the filing is intended to be a revision to the proposed changes in its tariff tendered for filing on September 5, 1975, which was subsequently stated to be deficient in a letter of September 19, 1975 from the Secretary. OPCO requests an effective date of January 1, 1976.

OPCO states that copies of the filing were served upon The Dayton Power and Light Company and the Public Utilities Commission of Ohio.

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 December 19, 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.75-34023 Filed 12-17-75;8:45 am]

[Docket No. ER76-286]

OKLAHOMA GAS & ELECTRIC CO.

Supplement to Rate Schedule

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing a Letter Agreement dated November 3, 1975, between it and Middle South Services, Inc., as Agent for Arkansas Power and Light Company. This agreement amends Schedule RE, Replacement Energy, which is designated as Supplement No. 13 to OG&E's Rate Schedule FPC No. 12A. OG&E states the change being made is the add-on portion of the rate when being supplied by the Seller is purchased from another supplier and passes through Seller's system to the Buyer.

OG&E requests an effective date of January 1, 1976, for this Agreement.

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 December 22, 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.75-34024 Filed 12-17-75;8:45 am]

[Docket No. ER76-289]

OKLAHOMA GAS & ELECTRIC CO.

Supplement to Agreement

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing a Letter Agreement, dated November 3, 1975, between it and Kansas Gas and Electric Company. This Agreement amends Schedule RE, Replacement Energy, which is designated as Supplement No. 13 to OG&E's Rate Schedule FPC No. 32. OG&E states the change being made is the add-on portion of the rate when energy being supplied by the Seller is purchased from another supplier and passes through the Seller's system to the Buyer.

OG&E requests an effective date of January 1, 1976, for this Agreement.

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 December 22, 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.75-34025 Filed 12-17-75;8:45 am]

[Docket No. ER 76-319]

PACIFIC GAS & ELECTRIC CO.

Proposed Changes in Rates and Charges

DECEMBER 10, 1975.

Take notice that on December 2, 1975, Pacific Gas and Electric Company (PGandE) tendered for filing a notice of change in the fuel cost adjustment provision applicable to rate schedules under its FPC Electric Tariffs, Original Volumes Nos. 1 and 2. The proposed effective date for such change is January 1, 1976.

PGandE states that the principal reason for the proposed change for which notice is given herein is to conform the fuel cost adjustment provision in PGandE's tariff to Section 35.14 of the Commission's Regulations under the Federal Power Act, as amended by Opinion No. 517.

Copies of the filing were served upon PGandE's jurisdictional customers, the California Public Utilities Commission and the Public Service Commission of Nevada.

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, 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 December 22, 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.75-34026 Filed 12-17-75;8:45 am]

[Project No. 1273]

PAROWAN CITY

Issuance of Annual License

DECEMBER 10, 1975.

On May 22, 1975, Parowan City, Licensee for Center Creek Project No. 1273, located on Center Creek near Parowan City, Utah, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 1273 was issued effective July 19, 1935, for a period ending December 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Parowan City for continued operation and maintenance of Project No. 1273.

Take notice that an annual license is issued to Parowan City (Licensee) under the Federal Power Act for the period January 1, 1976, to December 31, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of Center Creek Project No. 1273, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34054 Filed 12-17-75;8:45 am]

[Docket No. ER76-301]

PENNSYLVANIA ELECTRIC CO.

Rate Change

DECEMBER 10, 1975.

Take notice that on November 26, 1975, Pennsylvania Electric Company (Penelec) tendered for filing an increased rate "RP" for Penelec's all-requirements wholesale service at primary voltage to six Pennsylvania municipal customers (the Boroughs of Berlin, East Conemaugh, Girard, Hooversville, Smethport and Summerhil) and to six investor-owned utilities (Rockingham Light, Heat & Power Company, Waterford Electric Light Company, Wellsborough Electric Company, Windber Electric Corporation, and West Penn Power Company). Penelec also tendered for filing increased rates for partial requirements and wheeling service to Allegheny Electric Cooperative, Inc. (Allegheny). Penelec filed a revised fuel cost adjustment clause for its all-requirements service and its partial requirements service to Allegheny to conform with Order No. 517 issued November 13, 1974.

Penelec states that on the basis of the 12 months ended June 30, 1976 (Period II), the proposed rates would produce $1,854,542 in additional revenues from its all-requirements customers, or a 42.7 percent increase, and $7,557,472 in additional revenues from Allegheny, or a 68.7 percent increase.

Penelec states that the proposed rates are intended to recover sharp increases in cost over the 1972 costs underlying the present all-requirements wholesale rates, and the 1971 cost used to derive rates for service to Allegheny. In requesting a December 27, 1975 effective date, Penelec states that the increase is overdue and that without immediate rate relief it will not be able to meet coverage requirements to issue bonds by mid-1976.

Copies of the filing were served upon the affected jurisdictional customers and the Pennsylvania Public Utility Commission. Any persons desiring to be heard or to make any protest with reference to said filing should, on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Penelec are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34027 Filed 12-17-75;8:45 am]

[Project No. 2516]

POTOMAC EDISON CO.

Issuance of Annual License

DECEMBER 10, 1975.

On September 28, 1973, the Potomac Edison Company, Licensee for Dam No. 4 Project No. 2516, located in Berkeley County, West Virginia on the Potomac River near the town of Shepherdstown, filed an application for a new license under the Federal Power Act and Commission regulations thereunder. The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The license for Project No. 2516 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company for continued operation and maintenance of Project No. 2516.

Take notice that an annual license is issued to The Potomac Edison Company (Licensee) for the period January 1, 1976 to December 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Dam No. 4 Project No. 2516, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34058 Filed 12-17-75;8:45 am]

[Project No. 2517]

POTOMAC EDISON CO.

Issuance of Annual License

DECEMBER 10, 1975.

On September 28, 1973, The Potomac Edison Company, Licensee for Dam No. 5 Project No. 2517, located in Berkeley County, West Virginia on the Potomac River, near the Town of Hedgesville, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder. The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The license for Project No. 2517 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company for continued operation and maintenance of Project No. 2517.

Take notice that an annual license is issued to The Potomac Edison Company (Licensee), for the period January 1, 1976, to December 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Dam No. 5 Project No. 2517, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34059 Filed 12-17-75;8:45 am]

[Docket No. RI76-71]

P. S. & G., INC.

Petition for Special Relief

DECEMBER 10, 1975.

Take notice that on November 21, 1975, P. S. & G., Incorporated (Petitioner), 1804 Chamber of Commerce Building, Houston, Texas 77004, filed a petition for special relief in Docket No. RI76-71, pursuant to Section 2.76 of the Commission's General Policy and Interpretations. Petitioner is seeking a rate of 92.5¢ per Mcf for the sale of natural gas to Texas Gas Transmission Corporation from certain wells in the Monroe Field, Louisiana. Petitioner further states that it has now reached the point of economic limit on said properties and without relief it will be forced to abandon the properties.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a 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. Any party 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.75-34053 Filed 12-17-75;8:45 am]

[Docket Nos. E-9007 and E-9054]

TAMPA ELECTRIC CO.

Order Accepting Proposed Amendment and Terminating Proceedings

DECEMBER 10, 1975.

On September 4, 1974, Tampa Electric Company (Tampa) tendered for filing in Docket No. E-9007 as an Initial Rate Schedule an Agreement for Interchange Service between Tampa and City of Lakeland (Lakeland). Notice of this filing was issued on September 21, 1974, with protests and/or petitions to intervene due on or before October 18, 1974. No response was received.

On October 7, 1974, Tampa tendered for filing in Docket No. E-9054 an amendment to the original agreement which provides for increased rates for all the service schedules in the original agreement. Notice of this filing was issued on October 17, 1974, with protests and/or petitions to intervene due on or before October 24, 1974. No response was received.

Deficiency letters dated October 16, 1974, November 4, 1974, and December 26, 1974, were issued by the Secretary of the Federal Power Commission with respect to Tampa's initial and amended Agreements. Tampa, in response to those letters, submitted supplemental data on various occasions and completed its filing on April 2, 1975.

By order issued April 30, 1975, in Docket Nos. E-9007 and E-9054, the Commission suspended the amendment to Tampa's interconnection agreement with Lakeland for one day and set the matter for hearing under Section 205 of the Federal Power Act. The Commission found the energy charge included in Tampa's amended emergency, scheduled and surplus interchange service schedules to be in question. A conference was held at the Commission on June 19, 1975, attended by Staff, including Staff Counsel, and representatives of Tampa. Pursuant to that discussion, on September 17, 1975, Tampa submitted additional information in support of the proposed energy charge.

On September 23, 1975, Tampa filed a motion to terminate proceedings in the

above-referenced dockets. In support of its motion Tampa states that following the conference of June 19, 1975, supplemental information was submitted to the Commission Staff which, Tampa believes, satisfies the Staff that no issues remain to be resolved. Notice of this motion was issued on October 2, 1975, with comments, protests, or petitions to intervene due on or before October 15, 1975. No responses were received, and Staff has filed no objection to Tampa's motion and supporting statements.

Our review of Tampa's motion indicates that sufficient justification has been shown to support the energy charge, and the adder included therein, of Tampa's proposed amendment with Lakeland, and that it would be in the public interest to accept the subject amendment and to terminate this proceeding.

The Commission finds. Good cause exists to accept the proposed amendment to Tampa's interconnection agreement with Lakeland, and to terminate the proceedings relating thereto.

The Commission orders. (A) Tampa's proposed amendment to its interconnection agreement with Lakeland is hereby accepted.

(B) Tampa's motion filed September 23, 1975, is hereby granted.

(C) The proceedings instituted by order issued April 30, 1975, in Docket Nos. E-9007 and E-9054 are hereby terminated.

(D) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34055 Filed 12-17-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On December 9, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued November 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, February 16, 1976.
Hearing, March 8, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34056 Filed 12-17-75;8:45 am]

[Docket No. CP76-162]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

DECEMBER 10, 1975.

Take notice that on November 17, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), Box 1396, Houston, Texas 77001, filed in Docket No. CP76-162 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Delmarva Power & Light Company (Delmarva), an existing distribution customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to transport, on an interruptible basis, for Delmarva during the period December 1, 1975, through April 30, 1976, by displacement, the gasified equivalent of approximately 300,000 Mcf of gas in liquid form (LNG) which, Applicant states, Delmarva has stored in the tank of Algonquin LNG, Inc. (Algonquin LNG), at Providence, Rhode Island.

The application indicates that Algonquin LNG will gasify Delmarva's LNG and deliver the same by displacement to its affiliate, Algonquin Gas Transmission Company (Algonquin Gas), which will transport and deliver equivalent quantities of gas by displacement to its supplier, Texas Eastern Transmission Corporation (Texas Eastern). Further, it is indicated that Texas Eastern will in turn transport and deliver equivalent quantities of gas by displacement to Applicant. Applicant states that all such deliveries will be on a thermal equivalent basis. Applicant in turn, it is stated, will then transport and deliver by displacement to its CD-3 customer, Delmarva, volumes of gas equivalent on an Mcf basis to those received from Texas Eastern.

Applicant, Algonquin Gas, Texas Eastern, and Delmarva have entered into an agreement, dated September 26, 1975, providing for the proposed arrangement. The application indicates that Algonquin Gas will effectuate deliveries to Texas Eastern by reducing its purchases from Texas Eastern; Texas Eastern will make deliveries to Applicant at mutually agreeable existing exchange points with Applicant in the New Jersey-Pennsylvania area; and Applicant will make deliveries to Delmarva at existing points of delivery to that customer. It is stated that no additional facilities are required to carry out the proposed arrangements. Further, Applicant states, none of the parties, including Applicant, are obligated to transport, on a best efforts basis, more than 10 billion Btu of gas per day to Delmarva.

It is alleged that Delmarva is experiencing substantial curtailment in deliveries of contract demand volumes from Applicant due to the shortage of flowing gas supplies on Applicant's system. Further, it is alleged that the additional gas to be made available by means of the instant proposal will help offset these curtailments under Applicant's Rate Schedule CD-3.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 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.75-34029 Filed 12-17-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Order Granting in Part and Denying in Part Application for Rehearing and Amending Prior Order

DECEMBER 9, 1975.

On November 10, 1975, Wisconsin Public Service Corporation (WPSC) filed an application for rehearing of the Commission's Order Approving Settlement Agreement With Conditions, issued October 21, 1975, in the above-captioned docket.

We required that the following language be incorporated into the existing service contracts between WPSC and its Customers as a condition to our approval of the settlement:

"WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less than its full requirements and shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the Customer purchases less than its full requirements or so interconnects, the Customer will provide WPSC with at least two years' prior written notice and the Company and the Customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances. In the event

that an amended contract and/or amended rates are executed by the parties, WPSC will submit to the Federal Power Commission the proposed amendments."

WPSC requests that the following language be added to that condition:

"If the parties are unable to reach mutual agreement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service and such schedule shall become effective therefor in accordance with the provisions of Section 205 of the Federal Power Act."

In our suspension order in this proceeding, issued August 23, 1974, we reserved the Customers' rights to raise the *Mobile-Sierra*[1] doctrine as to their existing service agreements and rate schedules. We believe that the Customers' contractual rights should not be compromised by this Commission's imposition of a settlement condition. Accordingly, we shall preserve the Customers' existing contractual rights and disallow that portion of WPSC's proposed language which would recognize any new filing as one contractually authorized and thus permitted under Section 205 of the Federal Power Act. If after the Customer has interconnected with WPSC, and WPSC and the Customer have failed to agree on an amended contract with amended rates as may be appropriate under the circumstances, then WPSC may file an appropriate schedule of rates and terms for such proposed service. At that time, we can decide any issue which may be raised with respect to *Mobile-Sierra*.

Accordingly, we will amend our prior order to add the following language as a condition thereof:

"If the parties are unable to reach mutual agreement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service."

WPSC further requests in its application for rehearing that the Commission modify the timetable in ordering paragraphs (C) and (D) at mimeo p. 9 of the October 21, 1975, order to permit WPSC 30 days from the issuance of this order to file the amended rate schedules and amendments to service agreements. We will grant this request.

On November 10, 1975, WPSC separately filed a motion for stay of our Order Approving Settlement Agreement With Conditions issued October 21, 1975, pending final disposition of WPSC's application for rehearing. We have granted stay of our October 21, 1975, order pending action on WPSC's application for rehearing by separate order issued herein on November 21, 1975.

The Commission finds: Good cause exists to grant in part and deny in part rehearing and amend our October 21, 1975, Order Approving Settlement Agreement With Conditions in Docket No. E-8867 as ordered *infra*.

The Commission orders: (A) Except as hereinafter ordered, WPSC's application for rehearing is hereby denied.

(B) The contract language specified at mimeo p. 6 of our October 21, 1975, order is hereby revised to provide as follows:

"WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less than its full requirements and shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the Customer purchases less than its full requirements or so interconnects, the Customer will provide WPSC with at least two years' prior written notice and the Company and the Customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances. In the event that an amended contract and/or amended rates are executed by the parties, WPSC will submit to the Federal Power Commission the proposed amendments. If the parties are unable to reach mutual greement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service."

(C) Our October 21, 1975, order is hereby modified with respect to ordering paragraphs (C) and (D) at mimeo p. 9 to allow 30 days from the issuance of this order for WPSC to file the amended rate schedules and the amendments to service contracts with the revised substitute contract language specified in this order.

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

By the Commission.

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

[FR Doc. 75-34046 Filed 12-17-75;8:45 am]

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

FEDERAL TRADE COMMISSION

HARMSCO, INC.

Request for Comments

Invitation to Comment on Application of Harmsco, Inc. for Waiver Pursuant to Section 102(c) of Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c).

Section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c), provides that no warrantor of a consumer product may condition performance under a written warranty on the consumer using any article or service which is identified by brand, trade or corporate name. (This prohibition does not apply to articles or services which are provided without charge under the terms of the warranty).

Under a further provision of Section 102(c) of the Act, the Commission may waive the prohibition upon application by a warrantor. The Act further requires the Commission to notify the public of an application for waiver and to invite public comment on it.

Harmsco, Inc., a manufacturer of swimming pool filters and filter cartridges seeks a waiver of § 102(c). The proposed written warranty of Harmsco contains the following provision:

"This guarantee is void if filter cartridges produced by any manufacturer other than Harmsco, Inc. are used in this filter."

The Magnuson-Moss Act provides that the Commission may waive the prohibition of § 102(c) "if—

(1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product, and

(2) The Commission finds that such a waiver is in the public interest."

The Commission invites interested persons to direct their comments to the question of whether the statutory standards have been met by Harmsco.

Harmsco's application and the documents submitted in support of the application are available for public inspection and copying at the Office of Legal & Public Records, Room 130, Federal Trade Commission, Washington, D.C. All comments filed by interested persons will be considered by the Commission before making a decision on the application.

All interested persons are given notice of the opportunity to present written views and arguments with respect to the application. The public record will remain open for comment until February 17, 1976. All comments should be identified as "Comment on Harmsco Application," and should be delivered no later than that date to: Secretary, Federal Trade Commission, Room 172, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Issued: December 18, 1975.

By direction of the Commission.

CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-34082 Filed 12-17-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-12]

CERTAIN COMPONENTS OF AUTOMATIC TOBACCO LEAF GRADERS

Notice and Order Terminating the Investigation

Based upon the receipt of a complaint filed by AMF, Inc., the United States International Trade Commission (formerly the United States Tariff Commission) initiated a preliminary inquiry (docket number 337-L-76) under section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), as to whether there exists unfair methods of competition or unfair acts in the importation or sale of tobacco leaf graders covered by United States Letters Patent 3,750,882. Notice of initiation of this preliminary inquiry was published in the FEDERAL REGISTER on September 25, 1974 (39 FR 34483). In the FEDERAL REGISTER of June 4, 1975 (40 FR 24056), notice was given that the preliminary inquiry was to be conducted as

an investigation (docket number 337-TA-12).

Subsequent to initiation of the preliminary inquiry, a settlement agreement and consent judgment (C.A. No. 74-0506 R, E.D. Va., April 28, 1975) were entered into between AMF, Inc. (the complainant), Technical Development Corporation (the foreign manufacturer of the subject components), Universal Leaf Tobacco Company (the domestic purchaser of the subject components), and MacTavish Machine Manufacturing Company which agreement and consent judgment cover the patent in issue. On April 30, 1975, AMF, Inc., filed with the Commission a request to terminate the above-captioned investigation along with accompanying consents of Universal Leaf Tobacco Company, Technical Development Corporation and MacTavish Machine Manufacturing Company, dated April 21, April 18, and April 23, 1975, respectively.

The United States International Trade Commission determines as a result of the request and accompanying consents to terminate, the June 4, 1975, submission of Technical Development Company and MacTavish Machine Manufacturing Company, all evidence available to the Commission and the submission of the Commission investigative attorney, that there is no violation of section 337, Tariff Act of 1930, as amended. No finding has been made by the Commission whether there were any violations of section 337 prior to the execution of the settlement agreement and consent judgment. Therefore, the Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This notice and termination shall become effective December 29, 1975, unless objection and request for reconsideration of this action is filed by any interested person within the aforesaid 10-day period. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation. Notice of receipt of objection and request for reconsideration will be published in the FEDERAL REGISTER.

By order of the Commission.

Issued: December 12, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-34158 Filed 12-17-75;8:45 am]

[337-TA-8]

PIEZOELECTRIC CERAMIC 10.7 MHz ELECTRIC WAVE FILTERS

Notice and Order Terminating the Investigation

Based upon the receipt of a complaint filed by the Vernitron Corporation, the United States International Trade Commission (formerly the United States Tariff Commission) initiated a preliminary inquiry under section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053) (docket number 337-L-68), as to whether there exists unfair methods of competition or unfair acts in the importation or sale of the electric wave filters covered by United States Letters Patents 3,659,123 and 3,676,724. Notice of initiation of this preliminary inquiry was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33127). In the FEDERAL REGISTER of June 4, 1975 (40 FR 24056), notice was given that the preliminary inquiry was to be conducted as an investigation (docket number 337-TA-8).

Subsequent to initiation of the preliminary inquiry, sublicensing agreements were entered into between Murata Manufacturing Company (an exclusive licensee of Vernitron Corp.) and Taiyo-Yuden Company, Ltd., and Toko, Inc. (the foreign manufacturers of the subject electric filters) which cover the patents in issue. Vernitron Corporation filed a request with the Commission, on April 1, 1975, to terminate the above-captioned investigation. On March 26, 1975, and April 16, 1975, respectfully, Toko, Inc., with Toko America, Inc., and Taiyo-Yuden Company, Ltd., also filed requests to terminate the investigation.

The United States International Trade Commission determines as a result of these requests to terminate, the evidence in the record and the submission of the Commission investigative attorney, that there is no violation of section 337, Tariff Act of 1930, as amended. No finding has been made by the Commission whether there were any violations of section 337 prior to the execution of the sublicensing agreements. Therefore, the Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This notice and termination shall become effective December 29, 1975, unless objection and request for reconsideration of this action is filed by any interested person within the aforesaid 10-day period. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation. Notice of receipt of objection and request for reconsideration will be published in the FEDERAL REGISTER.

By Order of the Commission.

Issued: December 12, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-34157 Filed 12-17-75;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: CODING AND MODULATION REQUIREMENTS FOR NONDIVERSITY 2400 BIT/SECOND MODEMS

Proposed Federal Standard 1005

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of Federal standards for NCS interoperability and the computer-communication interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. This proposed Federal standard is one of a series of Federal standards on telecommunications presently under development.

Prior to submission of the final endosement of the proposed Federal standard to the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration be given to the needs and views of industry, the public, and state and local governments. The purpose of this Notice is to solicit such views.

Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted by 20 February 1976.

JAMES M. ROCKWELL,
Major General, USA, Vice Manager, National Communications System.

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

DECEMBER 15, 1975.

NCS PROJECT 75-53/1 PROPOSED FED STD 1005
NOVEMBER 25, 1975

PROPOSED FEDERAL STANDARD

Telecommunications: Coding and Modulation Requirements for Nondiversity 2400 Bit Second Modems

This draft of November 25, 1975, prepared by the National Communications System, has not been approved and is subject to modification.

DO NOT USE PRIOR TO APPROVAL

1. General Information

1.1 Scope. This standard establishes the coding and modulation requirements for 2400 bit/second modems owned or leased by the Federal Government for use over analog transmission channels other than those derived from high-frequency radio facilities.

1.2 Purpose. The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

1.3 Application. This standard shall be used by all Federal agencies in the design and procurement of nondiversity 2400 bit/second modems for use with nominal 4 KHz channels derived from either switched networks or dedicated lines. Typically, such channels are derived from frequency division multiplex equipment associated with microwave, cable, and satellite transmission systems. The requirements of this standard become effective 1 July 1976.

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[1] DoD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

2. Requirements

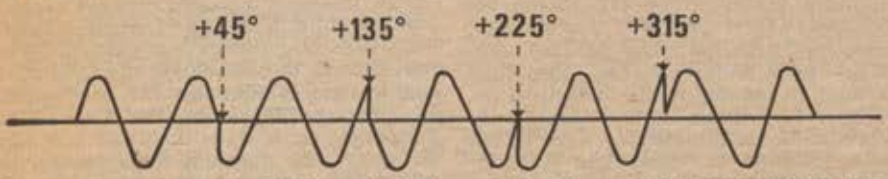
2.1 2400 Bit/second Operation

2.1.1 The transmit carrier frequency shall be 1800 ±1 Hz.

2.1.2 The data stream to be modulated is divided into pairs of consecutive bits (dibits). Each dibit is encoded as a phase change of the 1800 Hz carrier relative to the phase of the carrier during transmission of the immediately preceding dibit as indicated below.

DIBIT	PHASE CHANGE
00	+ 45°
01	+ 135°
11	+225°
10	+ 315°

The phase change is the actual phase shift signaling element to the beginning of the following signaling element as illustrated below.



At the demodulator, the dibits are decoded and the bits are reassembled in the correct order. The left-hand digit of the dibit is the one occurring first in the data stream as it enters the modulator portion of the modem.

2.1.3 Synchronization

2.1.3.1 During the interval between Request to Send (RS) indication from an associated Data Terminal Equipment (DTE) and the modem responding with a Clear to Send (CS) indication, synchronization signals will be generated by the transmitting modem to properly condition the receiving modem(s). Unless a scrambler is utilized, continuous 225° phase changes (dibit 11) shall be transmitted for the duration of the synchronization period.

2.1.3.2 Modems capable of 2-wire, half-duplex operation shall have the ability to delay Clear to Send (CS) indication for a period of at least 140 ms following the receipt of Request to Send (RS) indication. During 2-wire, half-duplex operation using the above delay, modems shall also withhold Receiver Ready (RR) indication after the end of each modem transmission for a period of 110±20 ms to protect against the effect of line echoes.

2.1.4 The data signaling rate shall be 2400 bit/second±0.01 percent.

2.2 1200 Bit/second Operation (Optional).

2.2.1 1200 bit/second data rate operation will be achieved, when available, by treating each binary 1 bit as a "11" dibit and each binary 0 bit as a "00" dibit while utilizing the 2400 bit/second method of operation. This capability, when available, shall be switch selectable by a front panel control.

2.2.2 The data signaling rate shall be 1200 bit/second±0.01 percent.

2.2.3 All other characteristics shall be as specified for 2400 bit/second operation.

2.3 Secondary Channel (Optional).

2.3.1 Secondary channel modulation rate shall not exceed 150 baud.

2.3.2 Characteristic frequencies of the binary 1 (mark) and binary 0 (space) shall be 390±1 Hz and 450±1 Hz, respectively.

2.3.3 When simultaneous transmission of the primary channel and secondary channel occur in the same direction, the secondary channel shall be 6±0.6dB lower in power level than the primary channel.

2.4 Scramber (Optional)

2.4.1 When utilized, digital input signals will be encoded in the modem prior to modulation of the 1800 Hz carrier. Similarly, demodulated signals will be decoded by an inverse process at the distant modem.

2.4.2 The encoder and decoder shall be capable of being bypassed by switch selection.

2.5 General Characteristics

2.5.1 The input and output impedance of the modem to the analog line shall be 600±60 ohms balanced.

2.5.2 The output level of the modulator shall be adjustable from −15 dBm to 0 dBm in no greater than 1 dB steps. Output level shall not be adjustable by operating personnel.

2.5.3 The demodulator shall have an input sensitivity adjustable to −42±3dBm and −32±3dBm. When the above-stated input sensitivities are used, the input level dynamic range shall be at least 30 dB above the input sensitivity.

2.5.4 A fixed compromise equalizer shall either be incorporated into the receiver or be switchable between the receiver and transmitter. The characteristics of this equalizer are dependent upon system application.

3. Changes. When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR 101-29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing Activity:

National Communications System, Office of Technology and Standards, Washington, D.C. 20305.

This document is available from the General Services Administration (GSA), acting as agent for the Superintendent of Documents. A copy for bidding and contracting purposes is available from GSA Business Services Centers. Copies are for sale at the GSA, Specification Sales, Building 197 (Washington Navy Yard), Washington, D.C. 20407 for ?? cents each.

Washington, D.C. 20407 for ... cents each

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-37]

ACCIDENT REPORT; RESPONSES TO RECOMMENDATIONS

Notice of Availability and Receipt

Aviation Accident Report. The National Transportation Safety Board announces the release of its report on a Western Airlines accident at Casper, Wyoming, which occurred March 31, 1975. The report, No. NTSB-AAR-75-15, was made public December 10. The Board determines that the probable cause was the failure of the pilot-in-command to exercise good judgment when he failed to execute a missed approach and continued a nonprecision approach to a landing without adequately assessing the aircraft's position relative to the runway threshold. Contributing to the accident were the excessive height and speed at which he crossed the approach end of the runway and the failure of other flight crewmembers to provide him with required callouts. As a result of the investigation of this accident, the Board issued on November 23 safety recommendation A-75-84 to the Federal Aviation Administration (40 FR 55394). The recommendation is reproduced in the report.

Responses to Safety Recommendations. During the past week, the Safety Board received the following replies from addressees of earlier recommendations:

From the U.S. Coast Guard, letter of November 23 re recommendations M-75-6 through 8. These recommendations were contained in marine casualty report No. USCG/NTSB-MAR-75-2, released March 12, 1975, concerning entanglement of the submersible JOHNSON SEA LINK with submerged wreckage off Key West, Florida, June 17, 1973. With reference to M-75-6, the Coast Guard has joined the Office of the Oceanographer of the Navy in funding a survey of worldwide submersible search and rescue capabilities, the survey to receive wide distribution. Re M-75-7, the Coast Guard concurs that an underwater television unit and descending line attachment would be beneficial to submersible search and rescue operations, and is seriously considering acquiring such a device. The Coast Guard will continue to monitor the level of activity of civilian submersibles to determine whether acquisition is justifiable. Re M-75-8, a research and development program to develop the capability for civilian submersible rescue operations is under review,

according to the Coast Guard. Should this program be initiated, appropriate coordination with the Navy will be affected.

From the Federal Railroad Administration, letter of December 5 re recommendations R–75–36 through 38, issued in Board report NTSB–RAR–75–8 concerning the collision of two Penn Central commuter trains at Botanical Garden Station in New York City, January 2, 1975. (See 40 FR 34202 and 40 FR 39563.) Re recommendation R–75–36, FRA published an advance notice of proposed rulemaking May 2, 1975, at 40 FR 19209, and is now reviewing comments. A copy of the proposed rule is attached to FRA's letter. Re R–75–37, FRA indicates that the question of minimum physical standards and periodic physical examinations of all crewmembers is presently under discussion by the Railroad Operating Rules Advisory Committee. Concerning R–75–38, FRA is presently conducting research to determine standards for rail passenger vehicle crashworthiness as well as crash injury protection for passengers, the research to serve as a basis for the consideration of future regulations.

From the Federal Railroad Administration, letter of December 8 regarding recommendation R–75–17 and operation of the E–60–CP locomotives built by General Electric Company for Amtrak on the Northeast Corridor operation. (See 40 FR 56984.) FRA states that it does "not take exception to Amtrak's indicated plan to place the E–60 locomotives in revenue service at maximum speed of 85 m.p.h. with the overspeed set at 87 m.p.h. on Class 6 track. We also agreed with Amtrak's recommendation that speeds would possibly be increased to 95 m.p.h. as confidence is gained in the wear characteristics of the teflon plate modification." FRA will continue to monitor the operation and further testing performed by Amtrak in conjunction with the E–60 locomotive.

From the Materials Transportation Bureau, letter of December 1, 1975, re recommendations P–75–14 and 15 which the Safety Board issued after investigating the October 13, 1975, blast at the El Paso Gas Company facility in Goldsmith, Texas. Recommendation P–75–15, issued November 14, was reported at 40 FR 54030. Recommendation P–75–14, issued the same day to the Interstate Natural Gas Association of America and to the American Petroleum Institute, recommended that these two organizations advise their member companies who operate similar gas processing plants to locate any areas of potential liquid accumulation and internal corrosion within their facilities and to take necessary remedial action to prevent similar accidents from occurring. MTB concurs with these recommendations, stating, "These recommendations support our efforts to encourage operators to take the actions necessary to prevent the occurrence of similar accidents."

The aviation accident report is available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by report and/or recommendation number and date of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 15, 1975.

[FR Doc.75–34130 Filed 12–17–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR–57 issued to Georgia Power Company & Oglethorpe Electric Membership Corporation for operation of the Edwin I. Hatch Nuclear Plant Unit 1 located in Appling County, Georgia.

This amendment would revise the Technical Specifications to add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collect housing failures.

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 January 19, 1976, 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 this 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 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 G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, 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 these actions, see the Commission's letter to Georgia Power Company & Oglethorpe Electric Membership Corporation dated September 23, 1975 and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975 and Georgia Power Company's letter dated October 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. This license amendment and the Safety Evaluation 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 8th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–33893 Filed 12–17–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9079; (811–1023)]

ATLAS SMALL BUSINESS INVESTMENT CORP.

Filing of Application

DECEMBER 11, 1975.

Notice is hereby given that Atlas Small Business Investment Corporation, 1808

Main Street, Kansas City, Missouri 64108, ("Applicant" or "Atlas"), a Missouri corporation registered as a nondiversified, closed-end, management investment company under the Investment Company Act of 1940 (the "Act") and licensed to operate as a small business investment company under the Small Business Investment Act of 1958, filed an application on June 11, 1974 and amendments thereto on November 1, 1974 and November 10, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 3(c)(1) excepts from the definition of an "investment company", as such term is used in the Act, any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of Section 3(c)(1), beneficial ownership by a company is deemed to be beneficial ownership by one person unless such company owns 10 percent or more of the outstanding voting securities of the issuer. In the latter case the shareholders of the company which owns such outstanding voting securities of the issuer are deemed to be the beneficial owners of the issuer's securities.

Rule 3c-2 of the Commission, promulgated pursuant to Section 3(c), provides, however, in pertinent part, that for the purpose of Section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per cent or more of the outstanding voting securities of any issuer which is a small business investment company licensed to operate under the Small Business Investment Act of 1958 shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of small business investment companies owned by such company does not exceed 5 per cent of the value of its total assets.

Applicant has 15,275 shares of capital stock issued and outstanding which are owned beneficially by 16 persons. Oppenheimer Industries, Inc. ("Oppenheimer") owns beneficially 11,869 shares or 77.7% of the outstanding voting securities of Applicant and has 925 stockholders. Oppenheimer's interest in Applicant is its only interest in a small business investment company.

The Board of Directors of Applicant valued Atlas' common stock at $9.34 per share as of fiscal year end March 31, 1975. Based upon this valuation, Oppenheimer's interest in Atlas on the same date was worth $110,856 or only 4.35% of the value of its total investments ($2,544,050) excluding other assets. The value of Oppenheimer's interest in Atlas' common stock ($110,856) is less than 1% of the value of its total assets, valued as of the end of Oppenheimer's latest fiscal year (January 31, 1975) as being in excess of $15 million. Applicant represents that it is not making and has not presently proposed to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of the order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 5, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered that the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34102 Filed 12-17-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

DECEMBER 12, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. 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 exchange 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 exchange and otherwise than on a national securities exchange is suspended, for the period from December 15, 1975 through December 24, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34103 Filed 12-17-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

DECEMBER 12, 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 December 13, 1975 through December 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34105 Filed 12-17-75;8:45 am]

[File No. 500-1]

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Notice of Suspension of Trading

DECEMBER 9, 1975.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Coast Stock Exchange, PBW Stock Exchange and Boston Stock Exchange, the voting preference $1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred $1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred $6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5¾% convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11% senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated

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 exchange and otherwise than on a national securities exchange is suspended, for the period from 4:10 p.m. (EST) on December 9, 1975 through midnight (EST) on December 18, 1975.

By the Commission.

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

[FR Doc.75-34105 Filed 12-17-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

DECEMBER 12, 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 December 13, 1975 through December 22, 1975.

By the Commission.

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

[FR Doc.75-34106 Filed 12-17-75;8:45 am]

[File No. 81-192]

RCA INTERNATIONAL DEVELOPMENT CORP.

Application and Opportunity for Hearing

DECEMBER 9, 1975.

Notice is hereby given that RCA International Development 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 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commisison"), which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commisison may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to Section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

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 registration or periodic reporting provisions under Sections 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, 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 Delaware corporation, is a wholly-owned subsidiary of RCA Corporation ("RCA"), a diversified company with numerous subsidiaries. Applicant operates as an overseas financing vehicle for RCA and its subsidiaries.

2. In 1968, Applicant issued $50 million principal amount of 5% Guaranteed Sinking Fund Debentures due 1988 (the "Debentures") to foreign investors.

3. The Debentures are convertible into shares of RCA common stock and are unconditionally guaranteed as to payment of principal, interest, premium, if any, and all required sinking fund payments.

4. The Debentures were offered abroad to foreign nationals in accordance with procedures designed to prevent the sale of the Debentures in the United States or its territories or to nationals or residents thereof.

5. The Debentures are listed on the New York Stock Exchange and are registered pursuant to Section 12(b) of the 1934 Act.

6. Since Applicant's Debentures were listed on the New York Stock Exchange in 1968, there has hardly been any trading in the Debentures.

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 because the Debentures are registered with the Commission and listed on the New York Stock Exchange.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that a trading market in its Debentures is unlikely to become significant and that since the Debentures are guaranteed by and convertible into common stock of RCA, it is the 1934 Act Reports of RCA and not those of Applicant in which Debentureholders and investors would be primarily interested.

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 January 2, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., 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.75-34107 Filed 12-17-75;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on January 12, 1976 at 1735 K St. NW., Third Floor Conference Room, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and the development of simplified trading forms, registration forms and assessment procedures.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted to the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and implementing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149; Securities Exchange Act Release No. 11748).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Co-

ordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1975.

[FR Doc.75-34109 Filed 12-17-75;8:45 am]

[File No. 500-1]

TRANSJERSEY BANCORP

Notice of Suspension of Trading

DECEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transjersey Bancorp 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 December 14, 1975 through December 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34108 Filed 12-17-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10:00 a.m., January 15, 1976, at the New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., Room N4437 A, B, and C. The agenda for the meeting is as follows:

1. Report on Bureau responsibilities for occupational safety and health statistics after 4 years
2. Annual survey (a) Report on the results of the 1974 Survey of Occupational Injuries and Illnesses
   (b) Status of the 1975 Survey of Occupational Injuries and Illnesses
3. Recordability guidelines
4. Research activities (a) Insurance company of North America project results
   (b) Proposed projects
   (c) Supplementary Data Systems
5. State statistical program (a) Status of State statistical grants and State plans

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 11th day of December 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-34153 Filed 12-17-75;8:45 am]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards. By letter dated December 31, 1974, from Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910 Subpart B, 29 CFR Parts 1915, 1916, and 1917. These standards, which are contained in Oregon Safety Code for Places of Employment, were promulgated after public comment requested on November 1, 1974, and resolution adopted by Workmen's Compensation Board on November 20, 1974, pursuant to the Department of State's Administrative Rules Bulletin, Vol. 14, No. 9, dated November 1, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and they are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective December 18, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington, this 21st day of February 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-34154 Filed 12-17-75;8:45 am]

Office of the Secretary

[TA-W-363]

MODA CONTRACTING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Moda Contracting Corporation, Division of Petrocelli, Inc., New York, New York (TA-W-363). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and trousers produced by Moda Contracting Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter

of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below; not later than December 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34156 Filed 12-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 100]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 12, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 325), filed November 17, 1975. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, 4904 Griggs Rd., Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from the plantsite and facilities of Witco Chemical located at or near Houston, Tex., to points in the United States (except Alaska and Hawaii); (2) from the plantsite of Argus Chemical Corp. located at or near Taft, La., to points in the United States (except Alaska and Hawaii); and (3) from the plantsite of Halby Chemical Corp. (Division of Argus Chemical Corp.) located at or near Taft, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Houston, Tex.

No. MC 11207 (Sub-No. 361), filed November 20, 1975. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plantsite and facilities of Bird and Son, Inc., Charleston, S.C., to points in Alabama and Florida (points west of the Apalachicola River).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C. or Birmingham, Ala.

No. MC 11220 (Sub-No. 145), filed November 3, 1975. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: Jay C. Miner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Dallas, Tex. and Kansas City, Mo.: From Dallas, Tex. over U.S. Highway 75 to junction U.S. Highway 69, thence over U.S. Highways 69 and 75 to Atoka, Okla., thence over U.S. Highway 69 to junction Interstate Highway 44 (Will Rogers Turnpike), thence over Interstate Highway 44 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 69, thence over U.S. Highway 69, to Kansas City, Mo. and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Washington, D.C.

No. MC 18535 (Sub-No. 64), filed November 10, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, U.S. Highway No. 601, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, 203 Railroad Avenue, N.W., St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sponge iron pellets, metal briquettes and oxide fines*, in controlled-flow dump vehicles, between points in South Carolina on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; and (2) *compressed scrap motor vehicles and/or shredded vehicle scrap metal*, (a) between points in South Carolina on the one hand, and, on the other, points in Richmond County, Ga.; and (b) between Wilmington, N.C., and 25 miles thereof and points in Richmond County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 30837 (Sub-No. 470), filed Nov. 14, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buses and ambulances*, in driveaway service, from Mayfield and Montgomery, Pa., to points in the United States (including Alaska, but excluding Hawaii); and (2) *ambulances*, in driveaway service, from Tulare, Calif.; Sturgis, Mich.; Athens, N.Y.; and Sherman, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 51146 (Sub-No. 452), filed November 12, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products, and water ices* (except in bulk), in mechanically-refrigerated trailers, from Richland Center, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas and all points east thereof (except points in Wisconsin).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52793 (Sub-No. 21), filed November 3, 1975. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, Ill. 60662. Applicant's representative: Warren N. Grossman, Suite 825, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture*, uncrated, *new furnishings*, uncrated, and *new appliances*, uncrated, and *accessories and parts*, incidental to the commodities described herein which are shipped in the same vehicle and at the same time with such commodities; (b) *new store and office fixtures*, uncrated, and *accessories and parts*, incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein; and (c) *new kitchen and institutional fixtures and equipment*, uncrated, and *accessories and parts*, incidental thereto which are shipped in the same vehicle at the same time with the commodities described herein; and (2) (a) between points in California, Oregon and Washington; and (b) between points in California, Oregon and Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Chicago, Ill.

No. MC 52917 (Sub-No. 64), filed November 17, 1975. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and foodstuffs*, in vehicles equipped with temperature control, and (2) *related advertising paraphernalia materials, equipment and supplies*, used in the preparation and serving of foods in restaurants, cafeteria, hotels, or commissaries, in mixed shipments with the commodities named in (1), between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington and Baltimore Counties, Md.; points in Delaware; New Jersey; Baltimore, Md.; and the District of Columbia; and New York, N.Y.; and points in Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia on and east of U.S. Interstate Route 95; points in Stafford, Prince William, and Fairfax Counties, Va. west of U.S. Interstate Route 95; and points in Pennsylvania east of the Susquehanna River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 58885 (Sub-No. 29), (Correction), filed October 20, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished as corrected this issue. Applicant: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, Ga. 30027. Applicant's repersentative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301.

NOTE.—The purpose of this correction is to indicate the correct zip code for applicant's representative, the rest of the application remains the same as previously noticed.

No. MC 78228 (Sub-No. 54), filed November 14, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon*, in dump vehicles, from points in the United States (except Alaska and Hawaii), to Catlettsburg, Ky.; Neville Island, Pa.; and Bayport, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 83835 (Sub-No. 125), filed November 20, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulated foam board panels, and cold storage insulated panels*, from Dallas, Tex., to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the eastern boundary of Itasca County, Minn., thence northward along the eastern boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106603 (Sub-No. 144), filed November 13, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, S.W., Grand Rapids, Mich. 49508. Applicants' representative: Martin J. Leavitt, 22375 Hagerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from points in Pulaski County, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 107107 (Sub-No. 445), filed November 17, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue (LeJeune Road), Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell, 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., and its Commercial Zone, to points in Alabama, Florida, Georgia, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 107323 (Sub-No. 48), filed November 12, 1975. Applicant: GILLILAND TRANSFER COMPANY, 7180 West 48th Street, Fremont, Mich. 49412. Applicant's representative: Donald B. Levine,

39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Fremont, Mich., to points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin state line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 45, and on and west of a line extending from the junction of Wisconsin Highway 29 and U.S. Highway 45, thence along U.S. Highway 45 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Illinois-Wisconsin state line; and to points in Minnesota on and east and south of a line beginning at the Iowa-Minnesota state line and extending along U.S. Highway 50 to Worthington, Minn., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Wilmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin state line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 107993 (Sub-No. 43), filed November 12, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulated gypsum foam board panels, insulated panels, and insulated building sections*, from the plantsite of Panel-Era, Inc., at Dallas, Tex., to points in Arkansas, Arizona, California, Colorado, Louisiana, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108341 (Sub-No. 39), filed November 14, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, and machinery parts, street sweepers, road construction machinery, contractor's equipment, vehicles, tractors, articles requiring special equipment, and parts, implements, attachments, accessories and supplies therefor*, from the facilities of Athey Products Corporation, at or near Wake Forest, N.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 109397 (Sub-No. 323), filed November 10, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Bus. Rte I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and wire products*, from points in Washington and California, to points in the United States and Canada, through, but not limited to, the ports of entry on the International Boundary line between the United States and Canada located at Washington, including Alaska, but excluding Hawaii; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including Alaska, but excluding Hawaii, to points in Washington and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 111310 (Sub-No. 15), filed November 17, 1975. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53029. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and *related advertising equipment, premiums, materials and supplies*, when shipped therewith, from Cold Spring, Minn., to points in Wisconsin, Illinois and Indiana; (2) *Used empty malt beverage containers*, from points in Wisconsin, Illinois and Indiana, to Cold Spring, Minn.; (3) *Insulation*, from points in Dodge County, Wis., to points in Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Iowa, Pennsylvania, Missouri, Minnesota, New York, and New Mexico; (4) *Malt beverages*, and *related advertising equipment, premiums, materials, and supplies*, when shipped therewith, from Minneapolis and St. Paul, Minn., to points in Illinois and Indiana; and (5) *Used empty malt beverage containers*, from points in Illinois and Indiana, to Minneapolis and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis. or Black River Falls, Wis.

No. MC 112304 (Sub-No. 105), filed November 13, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, Classes A and B explosives, household goods as defined by the Commission, livestock and articles of unusual value), restricted to shipments having a prior or subsequent movement in conjunction with intermodal traffic, between points in Daviess County, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Wisconsin, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Missouri and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.; Louisville or Lexington, Ky.

No. MC 113678 (Sub-No. 605), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from Cambridge, Norwood, and Mansfield, Mass., and Ashton, R.I., to Chicago, Ill., Denver, Colo., Salt Lake, Utah, and points in Oregon, Washington and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Denver, Colo.

No. MC 113678 (Sub-No. 606), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plantsite and facilities of Johnson Biscuit Company, at or near Sioux City, Iowa and points in Union County, S. Dak., to points in the United States in and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above named origins and destined to the above described destination territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa, Omaha, Nebr., or Denver, Colo.

No. MC 113908 (Sub-No. 358), filed November 12, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* in bulk, from Cabool, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin; and (2) *liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 242), filed November 17, 1975. Applicant: CRST, INC.,

P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride and chemicals*, from Syracuse, N.Y., to points in Illinois and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 249), filed November 17, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and breading and batter mixes*, from Evansville, Ind., to points in Nebraska, Kansas, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Louisiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Connecticut, New Hampshire, Rhode Island, Massachusetts, Vermont and Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 115841 (Sub-No. 509), filed November 12, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Fountain Inn, S.C., to points in the United States (except Alaska, Hawaii, and South Carolina).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 116273 (Sub-No. 200), filed November 13, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118142 (Sub-No. 109), filed November 10, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Boardman, Oreg., and Othello, Wash., to Alexandria and Shreveport, La., and Houston, Tex.; and (2) from Castroville, Calif., to Tulsa, Okla. and Shreveport, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118959 (Sub-No. 131), filed November 17, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Red clay pottery*, from the facilities utilized by CDP Corporation located at Houston, Tex., to points in the United States (except Texas, Hawaii and Alaska).

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the appliacnt requests it be held at Houston, Tex.

No. MC 12307 (Sub-No. 273), filed November 17, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks*, from Geauga County, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 124211 (Sub-No. 271), filed November 10, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and materials, equipment and supplies*, used in the manufacture thereof, between points in Ottawa County, Mich., and points in Cabell County, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.; Indianapolis, Ind.; or Chicago, Ill.

No. MC 124692 (Sub-No. 158), filed November 17, 1975. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire rope*, from the facilities of Broderick and Bascom Rope Co. located at Peoria, Ill., to points in Washington, Oregon, Idaho, Utah, Montana, and Wyoming, restricted to traffic originating at the facilities of Broderick and Bascom Rope Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or St. Paul, Minn.

No. MC 124813 (Sub-No. 137), filed Nov. 12, 1975. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Belvidere, Ill., to points in Iowa, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124846 (Sub-No. 2), filed Nov. 17, 1975. Applicant: KALLMEYER BROS. ENTERPRISES, INC., 4 Schiller Street, P.O. Box 233, Hermann, Mo. 65041. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Hermann, Mo., under contract with Marvin Scheidegger, d.b.a. Marvin's Distributing Company, at Hermann, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City or St. Louis, Mo.

No. MC 124887 (Sub-No. 18), filed November 12, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Folkston, Higgston, and Meldrim, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.; Atlanta, Ga., or Washington, D.C.

No. MC 125433 (Sub-No. 62), filed November 14, 1975. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Oregon, Washington, California and points north of the southern boundary of Idaho County, Idaho, and points in Montana on and west of a direct north and south line extending from the northwest corner of Wyoming

to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Wisconsin, Illinois, Indiana, Michigan and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 126276 (Sub-No. 143), filed November 12, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Container, container components and ends, container closures, and materials, equipment and supplies* used in the manufacture and distribution of containers, ends and closures, from St. Joseph, Mo., Malden, Mass., Columbus, Ohio, Albany, N.Y., Oil City, Pa., Peoria Heights, Ill., LaCrosse, Wis. and Elwood, Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 126305 (Sub-No. 75), filed November 20, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. #1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass, crushed ground or powdered*, from the facilities of Potters Industries, Inc., located at or near Brownwood, Tex., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials, equipment and supplies*, used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above named destination points, to the facilities of Potter Industries, Inc., located at or near Brownwood, Tex.

NOTE.—If a hearing is deemed necessary applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126436 (Sub-No. 9), filed November 13, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, and parts and accessories thereof, welding supplies and hand truck parts*, from the plantsites and storage facilities of Lincoln Electric Co., Inc., located in Cuyahoga and Lake Counties, Ohio, to points in Arizona, California, Kansas, New Mexico, Oklahoma and Texas, under a continuing contract with The Lincoln Electric Company.

NOTE.—Applicant holds common carrier authority in MC 107515 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 127303 (Sub-No. 19), filed November 14, 1975. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and soap* (except in bulk), from Des Moines, Iowa, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127355 (Sub-No. 18), filed November 19, 1975. Applicant: M & N GRAIN COMPANY, a Corporation, P.O. Box "P", Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900–1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs*, made of peanut hulls and wax, in boxes, from Camilla, Ga., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Ohio, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and Wyoming, under a continuing contract or contracts with Camilla Cotton Oil Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 128030 (Sub-No. 96), filed September 25, 1975. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 1255 N. Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic coated and laminated wood*, from Danville, Ill., to points in Alabama, Arkansas, Florida, Indiana, Iowa, Michigan, Pennsylvania, Ohio, and Wisconsin; (2) *Air-conditioning and refrigeration equipment and parts thereof;* and (3) *Materials, equipment and supplies*, used in the manufacture and shipping of the above (except in bulk), between Danville, and Beardstown, Ill., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, restricted to traffic originating at and destined to the named origins and destinations; (4) *Grain and grain products;* dry, edible or non-edible, viz: Corn, Corn Germ, corn products, corn flakes, corn flour, corn grits; corn meal; grits, bakers or brewers; grits, hominy feed, Soybeans and soybean products, dry, edible or non-edible, viz: soybeans; soybean flakes, soybean flour, soybean grits, soybean meal, soybean products; soybean products and grain products, blended, edible or non-edible, from Danville, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 5352, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 210), filed November 12, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, containers and products*, produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Ft. Worth, Tex., and Shelbyville, Ill., to points in Washington, Oregon, California, Nevada, Utah, Colorado, Arizona, and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 211), filed November 12, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (except commodities in bulk) and *equipment, materials and supplies*, used in the processing of rubber (except commodities in bulk), (1) from Vicksburg, Miss., to points in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico and (2) from points in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico, to Vicksburg, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 128988 (Sub-No. 72), filed November 20, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail manufacturers of hospital equipment, materials and supplies*, from Los Angeles, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, restricted to a

transportation service to be performed under a continuing contract or contracts with Everest & Jennings, Inc., and restricted against the transportation of commodities in bulk, and commodities which by reason of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129401 (Sub-No. 6), filed November 20, 1975. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane seats*, from Winston-Salem, N.C., to points in the United States (except Alaska and Hawaii), under a continuing contract with Fairchild-Burns Company, Division of Fairchild Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 129808 (Sub-No. 16), filed November 17, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Old West Highway 30, P.O. Box F, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Home decorating trimmings and accessories*, from Grand Island, Nebr., to Dallas, Tex.; and (2) *materials, supplies, and equipment* used in the manufacture, sale and distribution of home decorating trimmings and accessories (except commodities in bulk), between Grand Island, Nebr. and Traverse City, Mich., under a continuing contract or contracts with Burwood Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133035 (Sub-No. 24), filed November 10, 1975. Applicant: DILTS TRUCKING, INC., Route No. 1, Crescent, Iowa 51526. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Omaha, Nebr.

No. MC 133145 (Sub-No. 3), filed November 12, 1975. Applicant: THE PORTANOVA TRUCKING COMPANY, INC., 114 Teller Road, Trumbull, Conn. 06611. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, between points in Connecticut, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 134183 (Sub-No. 2), filed Nov. 14, 1975. Applicant: CHARLES ZUMSTEIN, doing business as C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed additives and supplements*, from the plantsite and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, sale, distribution, and production of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, Ohio, restricted to the transportation of traffic moving under a continuing contract or contracts with Henwood Feed Additives, Inc., at Lewisburg, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134219 (Sub-No. 9), filed November 13, 1975. Applicant: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., Foot of Cutter Dock Road, Woodbridge, N.J. 07095. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial fireplace logs, materials and supplies* used in the manufacture of artificial fireplace logs, between the plantsites and warehouses of Eastern Firelog, Division of P & M Lumber Products Corp., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, District of Columbia, and Nashau, N.H., under a continuing contract with Eastern Firelog, Division of P & M Lumber Products Corp., Fairless Hills, Pa.

NOTE.—Applicant holds common carrier authority in MC 134743, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 134388 (Sub-No. 9), filed November 12, 1975. Applicant: HOME RUN, INC., 3 East Washington Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures*, used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement), between Fairfield and Butler Counties, Ohio, on the one hand, and on the other, points in Indiana, Kentucky, and West Virginia, under a continuing contract or contracts with Gremsco Home Manufacturing.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134404 (Sub-No. 24), filed November 10, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning products; nutritional foods and related articles*, and *materials, supplies, and equipment*, used in the manufacture, distribution, or sale of the above commodities (except in bulk), (a) from Franklin, Ky., to Urbana, Ohio; and (b) from Cincinnati, Ohio, to Franklin, Ky.; and (2) *materials, supplies, and equipment* (except in bulk), from Newburyport, and West Springfield, Mass.; Cincinnati, Ohio; Syracuse, N.Y.; Belvedere, N.J.; Wyandotte, Mich.; and Alpha, Ohio, to East Stroudsburg, Pa., restricted to a service to be performed under contract with The Drackett Products Co., a Division of Bristol Myers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134922 (Sub-No. 152), filed November 20, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Rubber articles and compounds* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Frazer and Conshohocken, Pa., to Carson City and Reno, Nev.; Portland, Oreg.; and points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Little Rock, Ark.

No. MC 135634 (Sub-No. 5), filed November 17, 1975. Applicant: JOSEPH M. HANEY, SR., doing business as J. M. HANEY TRUCKING COMPANY, 4754 Mahoning Avenue, Youngstown, Ohio 44515. Applicant's representative: Abraham A. Diamond, 29 South LaSalle Street, Suite 454, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, accessories, equipment, and supplies* (except commodities in bulk, and those requiring special equipment), from the facilities of Midas-International Corp., at Chicago, Ill., to points in New York, Pennsylvania, and West Virginia, under contract with Midas International Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135982 (Sub-No. 10), filed November 6, 1975. Applicant: S. L. HARRIS, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), and *parts and equipment and accessories therefor*, in initial movements, (a) from the plantsite and storage facilities of Great Dane Trailers, Inc., at or near Brazil, Ind., to points in the United States (including Alaska, but excluding Hawaii); (b) from the plantsite and storage facilities of Arrow Trailers, Inc., at or near Memphis, Tenn., to points in the United States (including Alaska, but excluding Hawaii); and (c) from the plantsite and storage facilities of Great Dane Trailers, Inc., at or near Savannah, Ga., to points in the United States (including Alaska, but excluding Hawaii); and (2) *trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), and *parts and equipment and accessories therefor*, in secondary movements, between points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Savannah or Atlanta, Ga.

No. MC 136246 (Sub-No. 9), filed November 10, 1975. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Kansas, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Omaha, Nebr.

No. MC 136343 (Sub-No. 58) (Amendment), filed October 14, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished as amended this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper and paper products*, from the facilities of Watervliet Paper Company, Inc., located at Watervliet and Sodus, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, North Carolina, South Carolina, Florida, Alabama, Kentucky, Georgia, Mississippi, Louisiana, Tennessee, West Virginia, and the District of Columbia; (2) *equipment, materials, and supplies* used or useful in the manufacture of printing paper and paper products from the above named states to the facilities of Watervliet Paper Company, Inc., at Watervliet and Sodus, Mich., restricted to the transportation of shipments originating at the specified origins destined to the designated destinations.

NOTE.—The purpose of this republication is to broaden the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136464 (Sub-No. 17), filed November 12, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 20760. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zippers, thread, binding, braid, lace, tape, webbing, and ribbon*, (a) from Port Hueneme and Los Angeles, Calif., to Morton, Miss.; Stanley, N.C., and Mechlenburg County, N.C.; (b) between Dallas, Tex., on the one hand, and, on the other, Port Hueneme and Los Angeles, Calif.; Morton, Miss.; Stanley, N.C., and Mechlenburg County, N.C.; and (c) between Morton, Miss., on the one hand, and, on the other, Stanley, N.C., and Mechlenburg County, N.C.; and (2) *hand and/or machine sewing aides, and materials and supplies* used in the manufacture and sale of zippers, thread, binding, braid, lace, tape, webbing, and ribbon, when moving in mixed loads with those commodities in (1) above, between Stanley, N.C., and Mechlenburg County, N.C.; Morton, Miss.; Dallas, Tex., and Port Hueneme and Los Angeles, Calif.; restricted to shipments moving between the facilities utilized by Talon Division of Textron, under a continuing contract or contracts with Talon Division of Textron, Inc., of Meadville, Pa.

NOTE.—Applicant holds common carrier authority in MC 128635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 136560 (Sub-No. 4), filed November 10, 1975. Applicant: KEITH PADDOCK & SONS, INC., Routes 17 and 36, Jasper, N.Y. 14855. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, from Kennedy, N.Y., to points in Bradford, Clinton, Columbia, Lycoming, Potter, Sullivan, Tioga Counties, Pa., under a continuing contract or contracts with Agway, Inc., Feed Division, Syracuse, N.Y.; and (2) *animal and poultry feed*, from points in Chemung County, N.Y., to points in Bradford, Lackawana, Pike Potter, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa., under a continuing contract or contracts with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Syracuse, N.Y.

No. MC 136605 (Sub-No. 8), filed November 17, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite* (except commodities in bulk, in tank vehicles), from the facilities of Montana Barite Co., at or near Missoula, Mont., to points in and west of Ohio, Kentucky, Tennessee, Arkansas, and Texas (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 127349 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Billings, or Helena, Mont.

No. MC 136828 (Sub-No. 4), filed November 17, 1975. Applicant: COX & SHAY, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: R. Connor Wiggins, Jr., Suite 909–100 North Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *Transformers, rectifiers, electrostatic precipitators, circuit breakers, power distribution and transmission equipment, materials, and supplies*, from Helena, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 138109 (Sub-No. 1), filed November 14, 1975. Applicant: RAY J. FORNEY, P.O. Box 257, Ashton, Ill. 51006. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery stores and food processors; and (2) *equipment, materials, and supplies*, used in the operation and business of such stores (except commodities in bulk), between the plantsites and warehouse facilities of Crest Foods, Inc., at or near Ashton and Forreston, Ill., on the one hand, and, on the other, points in the United States in and west of Montana, Wyoming, Colorado, New Mexico, Texas, Arkansas, and Louisiana (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract or contracts with Crest Foods, Inc., at Ashton, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138752 (Sub-No. 4), filed November 17, 1975. Applicant: BEAUFERD SCHMIDT, P.O. Box 107, 521 N. 81 By-Pass, McPherson, Kans. 67460. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, between Newton, Kans., on the one hand, and, on

the other, Tulsa, Edmond, Guthrie, Lawton, Chickasha, and Muskogee, Okla.; Gainsville, Amarillo, Arlington, and Houston, Tex.; Little Rock, Fort Smith, and Siloam Springs, Ark.; Neosho, Mo.; Council Bluffs, Iowa, and Lincoln, Nebr., under a continuing contract or contracts with Future Foam, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 138789 (Sub-No. 5), filed November 10, 1975. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Lemhi County, Idaho, to Missoula, Mont., under a continuing contract or contracts, with Evans Products Co.

NOTE.—Applicant holds common carrier authority in MC 135592 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont.

No. MC 138902 (Sub-No. 3), filed November 14, 1975. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, Va. 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between the plantsites of the Morton Frozen Foods Division, ITT Continental Baking Company, Inc., at or near Crozet, Va., and Russellville, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139305 (Sub-No. 2), filed November 12, 1975. Applicant: LONNY RAYE CUMMINGS, doing business as AMERICAN MACHINERY MART, 10438 S.E. 23rd St., Bellevue, Wash. 98004. Applicant's representative: David S. White, 307 Blanchard, Seattle, Wash. 98121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor equipment and conveyor components*, (1) between Chico, Calif., and Danville, Ky.; and (2) between Chico, Calif., and points in Montana and Wyoming, under a continuing contract or contracts with Rexnord, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., Portland, Oregon, or San Francisco, Calif.

No. MC 139495 (Sub-No. 102) (Procedural correction), filed October 16, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and except in bulk), from the plantsite and storage facilities utilized by Ragu Foods, Inc., at or near Merced, Calif., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, and Nevada.

NOTE.—This republication indicates that this matter was not determined by scheduled hearings as previously noticed, and that the period for the filing of protest is extended to 30 days from the date this notice appears in the FEDERAL REGISTER. Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved.

No. MC 139495 (Sub-No. 111), filed Nov. 14, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Drugs, medicines, toilet preparations, disinfectants, candy, confectionery, beverage preparations, anti-acid mints, tooth brushes, chewing gum, chewing gum base, store display racks or stands, and packaging materials*, in mechanically-refrigerated vehicles, (1) from Lititz, Pa., to Elk Grove Village and Rockford, Ill., and points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), and Missouri (except points in that part of Missouri on and east of U.S. Highway 65); (2) from Elk Grove Village and Rockford, Ill., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), Missouri (except points in that part of Missouri on and east of U.S. Highway 65); and (3) from the plantsites and storage facilities of Warner-Lambert Company, at or near Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio; Elk Grove Village and Rockford, Ill.; Arlington, Tex.; Anaheim, Calif.; and Milwaukee, Oreg.; (B) *diagnostic products, medicines, drugs, sunglasses, and dental supplies and materials*, in vehicles equipped with mechanical refrigeration, from the facilities used by Warner-Lambert Company, at or near Morris Plains, N.J., to Peoria, Ill.; Dallas, Tex.; and Los Angeles, Calif.; (C) *sunglasses*, from Chelsea, Mass., to the destination points named in (B) above; (D) *dental supplies and materials*, from Philadelphia, Pa., to the destination points named in (B) above; and (E) *personal care products*, from the facilities of Warner-Lambert Company, at or near Anaheim, Calif., to South Brunswick, N.J.; Atlanta, Ga.; Elk Grove Village, Ill.; and Grand Prairie, Tex.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 112), filed November 12, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from the facilities utilized by Hi-Life Packing Company located at or near Chicago, Ill., and Hamilton, Mich., to points in New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Mississippi, Louisiana, Arkansas, Texas, Kansas, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140581 (Sub-No. 1), filed November 17, 1975. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, between Los Angeles, Calif., on the one hand, and, on the other, New York, N.Y.; Baltimore, Md., and points in Alabama, Mississippi, Louisiana, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 140677 (Sub-No. 8), filed November 17, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Talent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses*, prefabricated, unassembled, *and house parts*, from Rothschild, Wis., to points in South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Custer, S. Dak.

No. MC 140677 (Sub-No. 9), filed November 17, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Talent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, shavings, and other sawmill products* (except lumber) and *additives* thereto, from points in Pennington, Custer, and Butte Counties, S. Dak., and Crook and Weston Counties, Wyo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Custer, S. Dak.

No. MC 141100 (Sub-No. 2), filed November 20, 1975. Applicant: ROBERT ANDREWS AND DERRELL ANDREWS, a partnership, doing business as ANDEWS EQUIPMENT RENTALS, Cale Road, Prescott, Ark. 71857. Applicant's representative: Robert Andrews (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, rock, and gravel*, from Pike and Nevada Counties, Ark., to Caddo, Bossier, and Webster Parishes, La., under contract with Prescott Sand & Gravel Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 141199 (Sub-No. 1), filed November 12, 1975. Applicant: A. D. MEDLIN, doing business as MEDLIN AUTO BUYING SERVICE, 2901 South Grant Street, Arlington, Va. 22202. Applicant's representative: A. D. Medlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used autos*, between the District of Columbia and its commercial zone, Portsmouth, Va., and its commercial zone, and the Used Auto Auction Lot, located at or near Fredericksburg, Va., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Washington, D.C.

No. MC 141279 (Sub-No. 1), filed November 17, 1975. Applicant: SOUTHERN ILLINOIS TRANSPORTATION, 101 W. Vienna St., Anna, Ill. 62906. Applicant's representative: John Paul Womick, 609 E. College, Carbondale, Ill., 62901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, wood pilings, crossing panels, cross ties, and lumber*, with or without perservative treatment, between Carbondale, Jonesboro, and Galesburg, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Wisconsin, Missouri, Michigan, Tennessee, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Carbondale, Ill., St. Louis, Mo., or Chicago, Ill.

No. MC 141326 (Sub-No. 3), filed November 17, 1975. Applicant: S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree bark, wood shavings, wood chips, and wood sawdust*, from points in Barbour County, Ala., to Blountstown, Fla., and Vienna, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Montgomery, Ala.

No. MC 141371, filed September 18, 1975. Applicant: BILL BURLEY, doing business as BUYERS REFRIGERATED TRUCK SERVICE, 2391 Arden Way, Sacramento, Calif. 95825. Applicant's representative: James R. Coombs, 909 A Eighth Street, Sacramento, Calif. 95814. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and such merchandise as is dealt in by wholesale, retail, general grocery, and food business houses* (except commodities in bulk), between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, under a continuing contract or contracts with Monarch Institutional Foods at Sacramento, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 141422 (Sub-No. 1), filed Nov. 3, 1975. Applicant: FOREST PRODUCTS TRANSPORTATION, INC., Route 2, Hamilton, Ala. 35570. Applicant's representative: John Self, P.O. Box 597, Hamilton, Ala. 35570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Untreated lumber*, from points in Mississippi south of Interstate Highway 20, to Hamilton, Ala.; (2) *woodchips*, from Hamilton, Ala., to Counce, Tenn.; and (3) *lumber, treated and untreated*, from Hamilton, Ala., to points in Florida, Wisconsin, Tennessee, Kentucky, Illinois, Iowa, Michigan, Ohio, Missouri, Indiana, Georgia, Virginia, North Carolina, and South Carolina, under contract with W. T. Vick Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hamilton or Birmingham, Ala.

No. MC 141434 (Correction), filed October 8, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, and republished, as corrected this issue. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, a partnership, doing business as B-LONG TRANSPORTATION, R.D. #1, Bear Lake, Pa. 16402. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, pallet racks, and parts and accessories* utilized in the erection of steel shelving and pallet racks, from North East, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (2) *materials and supplies* utilized in the manufacture of steel shelving and pallet racks (except commodities in bulk), on return, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to North East, Pa., under contract with Bernard-Gloekler North East Co., Inc., Ridg-U-rak, Inc., and Dixie Fabricating Company, Inc.

NOTE.—The purpose of this republication is to state the correct address of the applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus, Ohio, or Washington, D.C.

No. MC 141455, filed October 20, 1975. Applicant: ROBERT P. LAURENS, doing business as LAURENS TRUCKING, Killdeer Road, Webster, Mass. 01570. Applicant's representative: George J. Robinson, 293 Main Street, Webster, Mass. 01570. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, asphalt, paving materials, loam, wood chips, lime, shavings, sawdust, coal and fertilizer*, in bulk, in dump vehicles, between points in Windham County, Conn., Worcester County, Mass., and points in Providence County, R.I., north and westerly of Providence, R.I.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Worcester or Boston, Mass., or Hartford, Conn.

No. MC 141462 (Sub-No. 2), filed November 20, 1975. Applicant: BENNE MACHINERY SALVAGE & SALES, INC., Rural Route No. 3, Box 502, Concordia, Kans. 66901. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery*, from Waterloo, Iowa, East Moline, Ill., Ottumwa, Iowa, Kansas City, Mo., Des Moines, Iowa, Dubuque, Iowa, Appleton, Wis., and Greeley, Colo., to points in Cloud, Clay, Republic, Mitchell, Saline, Ottawa, and Jewell County, Kans., under contract with William Lagemann, Concordia Tractor, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141502 (Sub-No. 1), filed November 13, 1975. Applicant: MOVIN ON TRANSPORTATION, INC., G.P.O. Box 1774, New York, N.Y. 10001. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods and equipment, materials, and supplies* used in the manufacture, production, distribution, and repair of such commodities, between the facilities of Sony Corp. of America at Moonachie, N.J., on the one hand, and, on the other, points in Nassau, Westchester, and Suffolk Counties, N.Y., and those in the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Act (the exempt zone), under contract with Sony Corp. of America.

NOTE.—If a hearing is deeemd necessary, applicant requests it be held at New York, N.Y.

No. MC 141510, filed November 7, 1975. Applicant: VAN'S BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, Nev. 89102. Applicant's representative: Jones & Barfield, 128 South Fourth Street, Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet rock, gypsum and*

gypsum products, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara Counties, Calif. If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, Reno, Nev., or Los Angeles, Calif.

No. MC 141512, filed Nov. 13, 1975. Applicant: HOMER'S TOWING & SERVICE, INC., 5501 North Lovers Lane Road, Milwaukee, Wis. 53225. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, abandoned vehicles, and replacement vehicles, and parts and equipment therefor*, between points in Wisconsin on and south of State Highway 33, and on and east of Interstate Highway 90, on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 141514, filed November 6, 1975. Applicant: WILLIAM H. BURGENER, doing business as BURGENER CONTRACT CARRIERS, RFD #3, Box 485, Merrill, Wis. 54452. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oils and greases, lubricants, fuel additives, hydraulic fluids, and roof and driveway coatings or sealers*, in containers, from the plantsite or warehouse facilities of Schaeffer Manufacturing Company located at or near St. Louis, Mo., to points in (a) the Upper Peninsula of Michigan; (b) to points in and north of Big Stone, Swift, Kandiyohi, Meeker, Wright, Anoka, and Chisago Counties, Minn.; and (c) points in and north of Crawford, Richland, Sauk, Columbia, Dodge, Washington, and Ozaukee Counties, Wis., under a continuing contract or contracts with Schaeffer Manufacturing Company of St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 141522, filed November 17, 1975. Applicant: NORTH WEST COMMERCIAL HAULING, LTD., 10608 169th Street, Edmonton, Alberta, Canada T5P 3X6. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used construction equipment*, between ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay and Niagara Falls, N.Y.; Sault Ste. Marie, Mich.; Noyes, Minn.; Sweetgrass, Mont., and Blaine, Wash., on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, New York, Ohio, Oregon, Tennessee, Virginia, and Washington, restricted to traffic moving in foreign commerce originating at or destined to points in Alberta and British Columbia, Canada, under a continuing contract with North West Commercial Sales, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 141527, filed November 17, 1975. Applicant: D. & D. LUMBER COMPANY, INC., 2146 Amity Hill Road, Statesville, N.C. 28677. Applicant's repersentative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20037. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Taylorsville, N.C., to points in California, under a continuing contract or contracts with Lewittes Furniture Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141541, filed November 20, 1975. Applicant: SUPERTRANS, INC., P.O. Box 82, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishings, portable buildings, materials, equipment and supplies*, used in the manufacture and sale of the foregoing commodities (except commodities in bulk), between Fairfield and Paterson, N.J., on the one hand, and, on the other, points in Massachusetts, Pennsylvania, Ohio, Illinois, Georgia, Florida, Alabama, Mississippi, Texas, New York, and California, under a continuing contract or contracts with Designex, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

PASSENGER APPLICATIONS

No. MC 2832 (Sub-No. 12), filed June 3, 1975. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, Conn. 06790. Applicant's representative: Thomas A. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and round trip operations, (a) beginning and ending at points in Litchfield County, Conn., and extending to Boston, Fall River, Foxboro, Gloucester, Hyannis, New Bedford, Newburyport, Orleans, Plymouth, Provincetown, Salem, Springfield, Sturbridge, and West Springfield, Mass., and Newport and Providence, R.I.; and (b) beginning and ending at points in Litchfield County, Conn., and extending to Westfield, Easthampton, South Deerfield, Greenfield, Northfied, Shelburne Falls, North Adams, Williamstown, Pittsfield, Lenox, Great Barrington, Sheffield, and Hancock, Mass., and New Lebanon, Green River, and Hillsdale, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Springfield, Mass.

No. MC 141496, filed October 30, 1975. Applicant: COLUMBIA STAGE LINES, LTD., 4972 Still Creek Avenue, Burnaby, British Columbia V5C 4E4 Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in Washington, and extending to points in Washington, Oregon, California, Nevada, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Vancouver, British Columbia, Canada.

BROKER APPLICATION

No. MC 130352, filed November 12, 1975. Applicant: TESA COMPANY, INC., P.O. Box 4217, Parkersburg, W. Va. 26101. Applicant's representative: Gerald DeBarr (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Parkersburg, W. Va., to sell or offer to sell the transportation of *Coal, asphalt, slag, gravel, red dog, sand, limestone, and ashes* in bulk, in dump vehicles, by common carriers between points in Ritchie, Randolph, Barbour, Taylor, Harrison, Lewis, Gilmer, Upshur, Wood, Pleasants, Jackson, Mason Counties, W. Va., and points in Washington, Athens, Galia, Meigs Counties, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, or Parkersburg, W. Va.

FREIGHT FORWARDER APPLICATIONS

No. FF 283 (Sub-No. 3), filed November 12, 1975. Applicant: SMYTH WORLDWIDE MOVERS, INC., 314 108th Street NE., Bellevue, Wash. 98009. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States including Alaksa, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of this instant application is to add Alaska to the authority it already holds in FF-283, (Sub-No. 1) and that it will surrender said authority for cancellation upon grant of this application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. FF 478, filed November 11, 1975. Applicant: BRINKE TRANSPORTATION CORPORATION, 1095 E. 21st Street, Hialeah, Fla. 33013. Applicant's representative: J. Raymond Clark, 600 New Hampshire Ave NW., Washington, D.C. 20037. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor vehicle, water, and express, in the transportation of *General commodities*, between points in Dade County, Fla., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*,

[FR Doc. 75-34000 Filed 12-17-75; 8:45 am]

[Notice No. 933]

ASSIGNMENT OF HEARINGS

DECEMBER 15, 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 140016 Sub 4, Transportation Services Inc, now being assigned February 18, 1976, (3 days) at Reno, Nevada, in a hearing room to be later designated.

MC 130329, Victor F. Gamboa, dba Vic's Tour, now being assigned February 23, 1976, (2 days) at San Francisco, California, in a hearing room to be later designated.

MC 107012 Sub 218, North American Van Lines, Inc., now being assigned February 25, 1976, (3 days) at San Francisco, California, in a hearing room to be later designated.

MC 2890 Sub 50, American Buslines, Inc., MC 89037 Sub 8, now being assigned March 1, 1976, (1 week) at San Francisco, California, in a hearing room to be later designated.

MC 133689 Sub 63, Overland Express, Inc., now assigned January 13, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 114052 (Sub-No. 6), Catencamp Transfer & Storage, Inc., now assigned January 14, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 118202 Sub 50, Schultz Transit, Inc., now assigned January 15, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 95920 Sub 41, Santry Trucking Company, now assigned January 16, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

AB 7 Sub 8, Chicago, Milwaukee, St. Paul, and Pacific Railroad Company Abandonment between St. Clair Junction and St. Clair, in Freeborn and Blue Earth Counties, Minnesota, now assigned January 19, 1976, at Albert Lea, Minn., will be held in The Multi-Purpose Room, 2nd Floor, City Center, 221 East Clark Street.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-34138 Filed 12-17-75;8:45 am]

[EX PARTE NO. MC-43]

B. F. WALKER, INC., ET AL.

Lease and Interchange of Vehicles by Motor Carriers; Waiver

At a session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 10th day of December, 1975.

It appearing, That a petition has been filed by B. F. Walker, Inc., (MC-74321 and numerous subs) and Noble Transport, Inc., as the operator (by virtue of temporary authority pursuant to MC-F-12573) of the rights of Ashworth Transfer, Inc., (MC-1872 and various subs), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition, although operations will continue to be monitored by that agency;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirement of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-34136 Filed 12-17-75;8:45 am]

[AB 72]

SACRAMENTO NORTHERN RAILWAY

Abandonment Between Sutter and Tarke, in Sutter County, California

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 Sutter County, Calif., on or before December 30, 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 5th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary*.

SACRAMENTO NORTHERN RAILWAY ABANDONMENT BETWEEN SUTTER AND TARKE, IN SUTTER COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated December 5, 1975, it has been determined that the proposed abandonment by the Sacramento Northern Railway of its line of railroad between Sutter and Tarke, a distance of 4.842 miles, all in Sutter County, Calif., 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 area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from a small diversion of rail traffic to motor carrier transport upon abandonment. Lack of

direct rail service may impede local developmental efforts, however, local highways are capable of handling the additional trucking needed to transport the diverted traffic. Even though rail service will be discontinued at one station, Tarke, Calif., the applicant will continue to maintain rail service at Sutter, Calif. There are no identifiable plans or land use policies in the tributary territory which are dependent upon continued rail service, nor have governmental units expressed an interest in utilizing this right-of-way for recreational purposes should this abandonment be authorized. There will be no effect on historic sites or recreational areas.

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 Intertsate Commerce Commission, Washington, D.C., 20423, on or before January 14, 1976.

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.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-34137 Filed 12-17-75;8:45 am]

[Notice No. 142]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 31, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76144. By order entered December 11, 1975 the Motor Carrier Board approved the transfer to Louis G. Hannum, Inc., Pitman, N.J., of the operating rights set forth in Certificate No. MC–140551, issued July 25, 1975, to Louis G. Hannum, Jr., Pitman, N.J., authorizing the transportation of such merchandise, as is dealt in by wholesale and retail department stores, between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points in that part of New Jersey within 30 miles of Camden. Franklin A. Wurman, 1400 Two Girard Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34139 Filed 12-17-75;8:45 am]

federal register

THURSDAY, DECEMBER 18, 1975



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

■

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R75-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

On June 25, 1975, the Department of Housing and Urban Development proposed Federal mobile home construction and safety standards (40 FR 26930); and on September 2, 1975, (40 FR 40261) published the final rule in the FEDERAL REGISTER pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, U.S.C. 5401 et seq.). On September 10, 1975, corrections to § 280.305 were published at 40 FR 42007.

On November 11, 1975, the Department published corrections and proposed amendments to the final rule as published on September 2, 1975, (40 FR 52706).

Eighteen comments from consumers, manufacturers, suppliers, trade associations and government agencies were received in response to the proposed rulemaking. In addition, the National Mobile Home Advisory Council met on December 3, 1975, to discuss the November 11, 1975, proposed amendments. At its meeting, the Council also considered recommended revisions to other sections of the standard as published on September 2, 1975. Since the council did not arrive at a consensus, any reference to recommendations made by the council herein are based on HUD's understanding of the views of the majority of the Council members. A summary of the significant issues discussed by the Council follows.

NATIONAL MOBILE HOME ADVISORY COUNCIL

1. The Council considered the elimination of the "Quick Disconnect" device as proposed in the November 11, 1975, amendments. For purposes of assuring proper installation when connecting fuel gas piping between sections of expandable or multiple mobile homes, the consensus view of the Council was to retain the device as required in the September 2, 1975, Final Rule.

2. The Council considered oil safety controls required by § 280.707(f) and whether these controls should be required on all fuel burning appliances in the form of a thermal cutoff switch with a specific location required for the switch. The majority view of the Council was that the requirement for such controls is redundant when considering other operational controls on the furnace. Discussion also indicated that if such a device was to be required, it should be a part of the furnace listing. The apparent Council minority view was to extend the control requirements to all fuel burning appliances.

3. The Council discussed the proposed amendment to § 280.305(a) which permitted finished flooring up to ⅛" in thickness to be placed under load bearing walls. HUD determined from the Council discussion that additional clarification of the section was needed to resolve the question of whether the ⅛" finished flooring could be compressed from a greater thickness to ⅛" thickness under load bearing walls or if the finished flooring permitted was to be ⅛" uncompressed.

4. The Council discussed having the manufacturer make provisions for heat tape which is used to prevent freezing of exposed plumbing, piping and fixtures. Although in HUD's view there was no clear consensus on this issue, the view most prevalent was to have the manufacturer provide a receptacle outlet for heat tape and clearly specify in his instructions that if a heat tape was used to prevent freezing, it should be listed for use in mobile homes.

5. The Council discussed other provisions relating to installation including gas supply and electrical connections. The consensus view of the Council was that when there are items related to utility hook-up or connection, said connection should be left to local installation, due to the wide variance in requirements by the utilities and local enforcement programs.

THE STANDARD

After carefully considering the written comments received and issues raised by the Advisory Council, and following Departmental discussions with other Federal and state agencies, amendments to the final rule are being made by HUD.

In order to assist in the use of the standards, the final rule as published on September 2, with corrections made in the September 10, and November 11 FEDERAL REGISTER publications, and with amendments promulgated today, is published consolidated and complete herein.

The following is a discussion, by subpart, of the substantive amendments made to the final rule. Where the amendments were due to comments received, this is so indicated. Otherwise, the amendments are adopted as proposed in notice of proposed rulemaking of November 11, 1975.

Subpart A. General. 1. Section 280.1 is revised to add a new paragraph (b). The purpose of this subsection is to make clear that, to the extent possible, the Federal Mobile Home Construction and Safety Standards are written as performance requirements in preference to specification requirements. The subsection also makes it clear that: (1) Whenever specific requirements are used in the Standard they are used because at this time, this is the best available means of identifying the desired performance and; (2) the use of specifications is not intended to prohibit the utilization of any material, piece of equipment, or system which does not meet the precise specifications but which upon evaluation provides equivalent or superior performance.

2. Section 280.1 is revised to add a new paragraph (c) which establishes a mechanism for the issuance of interpretative bulletins. The purpose of the bulletins would be to clarify the meaning of the various sections of the standard, and to assist in the enforcement of the standard.

The Department received comments requesting that a comment period be provided prior to the issuance of any interpretative bulletins. In order for HUD to make interpretations on a timely basis, a comment period for interpretative bulletins may not always be provided. The Department contemplates that the interpretative bulletins will reflect a wide range of determinations, some of which may indeed deserve publication and opportunity for comment. It is the Department's present intent to provide for a comment period in such cases.

The Department also received comments requesting that the availability of materials be given consideration prior to issuance of an interpretative bulletin. HUD anticipates that its bulletins will describe generic attributes and not specifically name a particular material, and in doing so will endeavor to authorize the use of materials which are in fact in production and available.

3. Section 280.6 is amended by changing the minimum size of the letters and numbers used in the serial numbering of mobile homes from ½ inch to ⅜ inch in height.

Subpart B. Planning Considerations. 1. Section 280.102(a) is amended to permit a maximum of 5 square feet of a recessed entry to be included when determining the gross floor area. Section 280.111 is amended to exclude the recessed entry way from the 5 feet minimum clear horizontal room dimension requirement. These changes permit the area encompassed by a standard door swing in a typical recessed entry to be included when determining the gross floor area.

2. Section 280.105(d)(2) is amended to permit the clear height requirement for exterior sliding glass doors to be reduced from 74" to 72" in height.

3. In order to make the language of § 280.404(a) consistent with § 280.106(a), the words "or approved device" are added to permit an alternate means of egress from bedrooms.

Subpart C. Fire Safety. 1. As stated in the preamble to the November 11 notice of proposed rulemaking, § 280.208(b) has been revised to clarify the requirements for the specific location of the smoke detector. The detector is now permitted to be located along the hallway space between the living area and the first bedroom. The prior reference to location between the living area and the bedroom door has been deleted. Based upon recommendations from the National Bureau of Standards, the following revisions have also been made:

(a) An exception to the above requirement has been included which permits the detector to be located on the living area side whenever a door is placed

in the hallway space between the living and bedroom areas.

(b) The detector, when practicable, is to be located between the living area and the air return intake.

(c) The architectural planning of a mobile home shall not isolate a smoke detector so as to impair its effectiveness.

HUD has determined the above revisions necessary to assure adequate response time and proper operation of the smoke detector so as to provide sufficient warning in case of fire to sleeping occupants.

2. The definition of "interior finish" has been moved from § 280.302(a)(9) to § 280.202(a)(2) and all appropriate subheadings renumbered.

3. The requirement for "firestopping" in § 280.206(a) is amended to establish a minimum firestop of 1 inch nominal lumber, or its equivalent, for mobile homes.

Subpart D. Body and Frame Requirements. 1. The definition of "diagonal tie" in § 280.302(a)(4) is amended to indicate that while its primary purpose is to resist horizontal forces, the tie may also be used to resist vertical forces.

2. Section 280.304 is amended to clarify that each individual wood member need not be marked as having a moisture content of 19% or less. Instead, the moisture content may be measured at the time of installation. (At the time of installation, each individual member shall not have a moisture content exceeding 19%.)

3. Section 280.305(a) as amended permits "uncompressed" finished flooring of up to ⅛ inch thickness under load bearing walls. This change is made in response to the Advisory Council recommendations to clarify HUD's intent with respect to this section.

Subpart E. Testing. 1. Since roof truss spacing varies in mobile homes, § 280.402(b)(1) is amended by deleting the 24 inch minimum length requirement for sheathing used in truss testing. The amended section requires that when plywood strip sheathing is used, it be at least of sufficient length to cover the top chords of the trusses being tested at the designated design spacing.

2. Section 280.402(b)(1) is revised to permit an alternate method of bracing the bottom chord of trusses being tested. This revision provides the manufacturer a choice of test methods.

3. Section 280.402(d)(3) limits the equivalent load in lieu of failure to a factor of safety (2.50) times the design live load plus the dead load.

4. Section 280.403(c)(4) is revised by changing the water resistance test to the appropriate ASTM Test Standard (ASTM E-547). This revision is made because the test standard previously referenced was a static test and required an exception for cycle testing. The ASTM Test Standard now referenced is a cyclic test, and does not alter the test procedures previously described.

5. Section 280.403(c) is amended to require production line testing of prime windows and sliding glass doors, in addition to the prototype testing required by the Standards. Production testing and the criteria for the tests to be used were recommended by the industry. The industry suggested, and the regulations provide, that the production units tested meet the prototype requirements, except with respect to the test level for water resistance, where a lower level of testing was recommended. HUD believes that production testing to the level proposed by the industry will result in better quality windows by reducing leakage and energy losses. However, HUD has some concern about the proposed level of testing suggested by the industry for water resistance. Accordingly, HUD will monitor the results of the production unit testing and, based on the experience gained and future research, may establish more stringent tests to demonstrate the performance of prime windows and sliding glass doors.

6. Section 280.403(1) incorporates into the window certification program the specific production line test requirements for prime windows and sliding glass doors. The testing frequency will be initially established by the agency certifying that the windows comply with the standard. Based on the results of HUD monitoring of the window certification program and planned research, HUD may establish the produtcion unit testing frequencies.

Subpart F. Thermal Protection. 1. Section 280.504(b) has been amended to conform to the language of § 1423.080(b) as published in the FEDERAL REGISTER on June 25, 1975, (40 FR 26944). This modification is necessary because the required language was inadvertently omitted from the final rule as published.

2. Based on recommendations from the special National Fire Protection Association Energy Task Force on Mobile Homes, the following revisions have been made:

(a) The format for representing transmission heat loss coefficients in § 280.506(a) has been revised, but the substantive requirements of the section remain unchanged.

(b) The table providing specific minimum levels of thermal insulation by climatic zone has been deleted to avoid misinterpretation of its use and meaning.

To assure uniform heat transmission in the mobile home, § 280.506(b) has been changed to require that the cavities in in exterior walls, floors and ceiling be provided with thermal insulation.

Subpart G. Plumbing Systems. 1. This revision incorporates the Advisory Council prevalent views for piping protection against freezing. Section 280.603(b)(4) has been revised to require the manufacturer to provide in his written Installation Instructions the method(s) to be used to prevent freezing of exposed piping and fixtures. The manufacturer is to specify in his instructions that when heat tape is used for this purpose, it shall be listed for use in mobile homes. In any case, a receptacle outlet for heat tape shall be installed on each mobile home by the manufacturer and be conveniently located for its use.

2. The requirements for drainage have been moved from § 280.603(b)(5). The words "complete gravity" have been deleted from the section. Drainage of all supply piping would still be required, but such drainage would not have to be achieved by the use of an absolute gravity system. The section has been relocated since the requirement for drainage is general and not limited to freezing.

3. Sections 280.114(b) and 280.607(b)(3) are amended to use the "bathroom floor level" to establish the datum plane from which the height of the shower compartment is to be measured.

4. In response to comments from the industry after September 2, HUD on its initiative, has amended § 280.609(a) to require the manufacturer to include in his written instructions that the mobile home has been designed for an inlet water pressure of 80 PSI and to state that when the mobile home is to be installed in areas where the water pressure exceeds 80 PSI, a pressure reducing valve should be installed. This revision is made by HUD to assure proper operation of the water piping system.

5. In § 280.610(c)(1) the requirement for a "permanent marker" for the drain outlet has been deleted.

Subpart H. Heating and Cooling Systems. 1. Section 280.705(a) is amended to clarify the responsibility of the manufacturer with respect to the gas supply system. This revision requires the manufacturer to design the gas piping system in accordance with the pressures listed in § 280.705(a). The manufacturer is now required to provide in his written installation instructions, the pressure range for safe operation of the piping system.

2. Section 280.705(c) remains unchanged from the section as presented in the September 2 final rule so as to require a "quick-disconnect device" for expandable or multiple unit mobile homes. (The November 11, 1975, FEDERAL REGISTER publication proposed an amendment which would have deleted the "quick-disconnect device".)

3. Section 280.705(d) is revised to provide additional design criteria to be used when sizing gas piping by the table(s) method. HUD is providing this criteria to assure uniform application of the tables.

4. Section 280.705(j) is amended to permit the location for all gas supply connections to be within 24 inches of the left (road) sidewall. This revision enables a manufacturer to standardize the location of the gas supply connection for all gas systems.

5. Section 280.705(1)(3) has been amended to indicate that shut-off valves are to be accessible in order to allow servicing of the appliance and removal of its components, and for shut off in case of emergency.

6. HUD has determined that the requirement for oil safety controls in § 280.707(f) of the September 2, 1975, final rule is redundant. The Department has therefore deleted the requirement for the following reasons:

(a) Adequate safety controls are presently provided in oil fired furnaces,

(b) Equipment redesign has eliminated previous melting point problems,

(c) There may be adverse effects to furnace operation and durability associated with indiscriminate power interruption to the circulatory air blower, and

(d) The primary goal in the event of any fire is to remove all occupants from the mobile home, rather than encourage the occupant to remain in a burning unit, while attempting to cut off oil flow in case of a furnace fire.

The deletion of this requirement is also consistent with the majority view of the Advisory Council as perceived by HUD.

7. Section 280.708(a)(1) has been amended to require listing of termination fittings and moisture lint exhaust duct systems for gas clothes dryers only.

8. Section 280.709(e)(5) requires that when a furnace can only be used with a specific coil and the coil has a limited listing, the installation must be in accordance with that listing. This requirement would not prevent heatng and cooling equipment manufacturers from having their product listed for use in equipment manufactured by others.

9. In accordance comments received from the industry, § 280.709(g)(1) has been amended to require that the termination device and spark arrester be included in the listing of factory built chimneys. The specific requirements for the spark arrester indicated in § 280.709 (g)(1)(vii) have therefore been deleted since these specifications are already included in the listing.

This revision is made to be consistent with requirements for residential spark arresters used on factory built chimneys.

Subpart I. Electrical Systems. 1. Section 280.803(1)(2) as amended deletes the requirement that the manufacturer install conductors in the electric service raceway which goes to the underside of the mobile home. Instead, it requires that the manufacturer provide in his written installation instructions the proper service conductor sizes and the proper size of the junction box to be installed at the underside of the mobile home.

2. Section 280.806(d)(9) is amended to make clear that the use of receptacle outlet(s) which are integral with the light fixture over the bathroom basin satisfies the requirement for a receptable outlet adjacent to the bathroom basin.

Subpart J. Transportation. 1. Section 280.904(b)(5) is revised to delete the reference to the SAE Handbook, and now permits the mobile home manufacturer to use in his design evaluation the allowable stresses recommended by the spring assembly manufacturer.

All of the amendments which in the Department's judgment will have a significant impact on the final rule, as published, have been described above. The Department is presently considering comments submitted by interested parties on specific equipment and installations which may be the subject of interpretative bulletins as described in the preceding discussion on Subpart A.

The amendments to the final rule do not affect the Environmental Impact Statement for the Federal Mobile Home Construction and Safety Standards which was prepared and submitted to the Council on Environmental Quality. It is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

The amendments to the final rule do not affect the Economic Impact Statement assessing the impact of the Federal Mobile Home Construction and Safety Standards on the economy, the labor force, competition, and material and energy supplies which was prepared and submitted to the Council on Wage and Price Stability. This Statement is available for inspection and copying according to the rules and regulations of the Department during regular business hours in Room 10245, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

FUTURE AMENDMENTS TO THE STANDARD

HUD believes that the proportion of mobile homes and other manufactured housing in the total housing inventory will continue to increase. HUD also expects that future innovation in design, materials, construction methods, equipment components, subsystems, and also new methods of testing and evaluation may make some aspects of the initial Federal mobile home standards obsolete or inadequate.

Recognizing these factors, HUD expects and plans that the standards will evolve in an orderly fashion to meet changing needs and conditions, as have voluntary and state standards in the past.

The office of Mobile Home Standards will have an engineering staff to work on amendments to the standards and to propose and utilize research to support such amendments.

HUD invites comment or other communication at any time from any member of the public or any organization regarding the Federal mobile home standards and possible amendments to those standards.

In consideration of the comments received and pursuant to the authority contained in sections 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5425), 88 Stat. 701 and 714, Part 280 of 24 CFR is amended and corrected as follows.

Effective date. These regulations are effective June 15, 1976.

DAVID M. DEWILDE,
Deputy Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

Introduction. The following regulations are in substantial measure based on the Standard for Mobile Homes NFPA 501B–1974/ANSI A119.1–1975 and particularly on sections B, C, D, and E of that standard. In addition, parts of these regulations are derived from state standards, enforcing agency standards, interpretation manuals and trade association standards.

Subpart A—General

Sec.
280.1 Scope.
280.2 Definitions.
280.3 Acceptance of plans.
280.4 Incorporation by reference.
280.5 Data plate.
280.6 Serial number.

Subpart B—Planning Considerations

280.101 Scope.
280.102 Definitions.
280.103 Light and ventilation.
280.104 Ceiling heights.
280.105 Exit facilities; exterior doors.
280.106 Exit facilities; egress windows.
280.107 Interior privacy.
280.108 Interior passage.
280.109 Space planning.
280.110 Room requirements.
280.111 Minimum room dimensions.
280.112 Toilet compartments.
280.113 Hallways.
280.114 Glass and glazed openings.

Subpart C—Fire Safety

280.201 Scope.
280.202 Definitions.
280.203 Flame spread limitations and combustibility.
280.204 Kitchen cabinet protection.
280.205 Carpeting.
280.206 Firestopping.
280.207 Requirements for foam plastic thermal insulating materials.
280.208 Mobile home fire detection equipment.

Subpart D—Body and Frame Construction Requirements

280.301 Scope.
280.302 Definitions.
280.303 General requirements.
280.304 Materials.
280.305 Structural design requirements.
280.306 Windstorm protection.
280.307 Resistance to elements and use.

Subpart E—Testing

280.401 Structural load tests.
280.402 Test procedures for roof trusses.
280.403 Standard for windows and sliding glass doors used in mobile homes.
280.404 Standard for egress windows for use in mobile homes.
280.405 Standard for swinging exterior passage doors for use in mobile homes.

Subpart F—Thermal Protection

280.501 Scope.
280.502 Definitions.
280.503 Materials.
280.504 Condensation control (vapor barriers).
280.505 Air infiltration.
280.506 Heat loss.
280.507 Comfort heat gain.
280.508 Heat loss, heat gain and cooling load calculations.
280.509 Criteria in absence of specific criteria.
280.510 Heat loss certificate.
280.511 Comfort cooling certificate and information.

Subpart G—Plumbing Systems

280.601 Scope.
280.602 Definitions.
280.603 General requirements.
280.604 Materials.

Sec.
280.605 Joints and connection.
280.606 Traps and cleanouts.
280.607 Plumbing fixtures.
280.608 Hangers and supports.
280.609 Water distribution systems.
280.610 Drainage systems.
280.611 Vents and venting.
280.612 Tests and inspection.

Subpart H—Heating, Cooling and Fuel Burning Systems

280.701 Scope.
280.702 Definitions.
Sec.
280.703 Minimum standards.
280.704 Fuel supply systems.
280.705 Gas piping systems.
280.706 Oil piping systems.
280.707 Heat producing appliances.
280.708 Clothes dryers.
280.709 Installation of appliances.
280.710 Ventilating, ventilation and combustion air.
280.711 Instructions.
280.712 Marking.
280.713 Accessibility.
280.714 Appliances, cooling.
280.715 Circulating air systems.

Subpart I—Electrical Systems

280.801 Scope.
280.802 Definitions.
280.803 Power supply.
280.804 Disconnecting means and branch-circuit protective equipment.
280.805 Branch circuits required.
280.806 Receptacle outlets.
280.807 Fixtures and appliances.
280.808 Wiring methods and materials.
280.809 Grounding.
280.810 Electrical testing.
280.811 Calculations.
280.812 Wiring of expandable units and dual units.
280.813 Outdoor outlets, fixtures, air conditioning equipment, etc.
280.814 Painting of wiring.
280.815 Polarization.
280.816 Examination of equipment for safety.

Subpart J—Transportation

280.901 Scope.
280.902 Definitions.
280.903 General requirements for designing the structure to withstand transportation shock and vibration.
280.904 Specific requirements for designing the transportation system.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401).

Subpart A—General

§ 280.1 Scope.

(a) This standard covers all equipment and installations in the design, construction, fire safety, plumbing, heat-producing and electrical systems of mobile homes which are designed to be used as dwelling units. The Secretary may approve such equipment and installations which are listed or labeled by an approved testing or listing agency. Equipment and installations not listed or labeled may be approved by the Secretary upon a determination that such equipment and installations are adequate for the protection of health, safety and the general welfare.

(b) These Federal Mobile Home Construction and Safety Standards seek, to the maximum extent possible, to establish performance requirements. In certain instances, however, the use of specific requirements in the Standard is necessary because, at this time, that is the best available means of identifying the desired performance. The use of specific requirements is not intended to prohibit the utilization of any material, piece of equipment, or system which cannot meet the precise specifications, but which upon evaluation provides equivalent or superior performance. Where any material, piece of equipment, or system which does not meet precise specifications set out in the standard is shown, to the satisfaction of the Secretary, to meet the level of performance of a material, piece of equipment or system which meets the precise specifications, the Secretary may waive the specifications set out in the standard for that material, piece of equipment, or system. Whenever a waiver is issued, the Secretary shall issue an interpretative bulletin which announces the waiver, states that the material, piece of equipment or system meets the required standard of performance, and sets out any limitations or other requirements with respect to how the material, piece of equipment, or system must be used, including any tests of the material, piece of equipment, or system which the Secretary determines must be carried out before it can be used. Where a waiver has been issued, the requirements of the section of the Federal standard to which the waiver relates may be met either by meeting the specifications set out in the standard or by meeting any requirements set out in the interpretative bulletin which announces the waiver.

(c) Interpretative bulletins may also be issued for the following purposes:

(1) to clarify the meaning of the standard; and

(2) to assist in the enforcement of the standard.

§ 280.2 Definitions.

(a) Definitions in this Subpart are those common to all Subparts of the standard and are in addition to the definitions provided in individual parts.

(1) "Approved," when used in connection with any material, appliance or construction, means complying with the requirements of the Department of Housing and Urban Development.

(2) "Center" means the midline between the right and left side of a mobile home.

(3) "Certified." See "listed."

(4) "Combustible Material" means materials made of, or surfaced with, wood, compressed paper, plant fibers, or other material that will ignite and burn. Such materials shall be considered as combustible even though flameproofed, fire-retardant treated, or plastered.

(5) "Defect" includes any defect in the performance, construction, components, or material of a mobile home that renders the home or any part thereof not fit for the ordinary use for which it was intended.

(6) "Department" means the Department of Housing and Urban Development.

(7) "Dwelling Unit" means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(8) "Equipment" includes materials, appliances, devices, fixtures, fittings or accessories both in the construction of, and in the fire safety, plumbing, heat-producing and electrical systems of mobile homes.

(9) "Federal mobile home construction and safety standard" means a reasonable standard for the construction, design, and performance of a mobile home which meets the needs of the public including the need for quality, durability, and safety.

(10) "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury.

(11) "Installations" means all arrangements and methods of construction, as well as fire safety, plumbing, heat-producing and electrical systems used in mobile homes.

(12) "Labeled" means a label, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(13) "Length of a Mobile Home" means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

(14) "Listed or Certified" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(15) "Manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale.

(16) "Mobile Home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumb-

ing, heating, air-conditioning, and electrical systems contained therein.

(17) "Mobile Home Construction" means all activities relating to the assembly and manufacture of a mobile home including, but not limited to, those relating to durability, quality and safety.

(18) "Mobile Home Safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(19) "Registered Engineer or Architect" means a person licensed to practice engineering or architecture in a state and subject to all laws and limitations imposed by the state's Board of Engineering and Architecture Examiners and who is engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

(20) "Secretary" means the Secretary of Housing and Urban Development, or an official of the Department delegated the authority of the Secretary with respect to Title VI of Public Law 93-383.

(21) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(22) "Width of a Mobile Home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

§ 280.3 Acceptance of plans.

(a) Each manufacturer of mobile homes shall submit the building plans for every model of such mobile home to the Secretary, or Secretary's designee, for the purpose of inspection for conformance to this standard.

(b) The manufacturer shall certify that each such building plan meets the Federal construction and safety standard in force at that time before the mobile home involved is produced.

(c) Regulations pertaining to enforcement of these standards and to labeling of mobile homes shall be as prescribed by the Secretary.

§ 280.4 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government, to the extent they are incorporated by reference in this standard, have the same force and effect as this standard. Wherever reference standards and this standard are inconsistent, the requirements of this standard prevail to the extent of the inconsistency.

(b) The abbreviations and sources of these referenced standards, specifications and codes appear below:

AA—The Aluminum Association, 750 Third Avenue, New York, N.Y. 10017.

ABPA—Acoustical and Board Products Association, 205 West Touhy Avenue, Chicago, Illinois 60068.

AGA—American Gas Association Laboratories, 8501 East Pleasant Valley Road, Cleveland, Ohio 44131.

AISC—American Institute of Steel Construction, 1221 Avenue of the Americas, New York, New York 10020.

AISI—American Iron and Steel Institute, 1000 16th Street, N.W., Washington, D.C. 20036.

AITC—American Institute of Timber Construction, 333 W. Hampden Avenue, Englewood, Colorado 80110.

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10017.

APA—American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

ASHRAE—American Society of Heating Refrigeration and Air-conditioning Engineers, 345 East 47th Street, New York, New York 10017.

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

CMI—Cultured Marble Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.

CS—Commercial Standards—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DOC—Department of Commerce, Washington, D.C. 20230.

DOT—Department of Transportation, Washington, D.C. 20590.

FHDA—Fir and Hemlock Door Association, Yeon Building, Portland, Oregon 97204.

FS—Federal Specification—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

GAL—Gas Appliance Laboratory, 3138 East Olympic Boulevard, Los Angeles, California 90023.

HPMA—Hardwood Plywood Manufacturers Association, P.O. Box 6246, Arlington, Virginia 22206.

HVI—Home Ventilating Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.

IAPMO—International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032.

I-SANTA—Industrial Staple and Nail Technical Association, P.O. Box 3072, City of Industry, California 91744.

NFPA—National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts.

(N)FPA—National Forest Products Association (formerly National Lumber Manufacturers Association), 1619 Massachusetts Ave., Wash., D.C. 20036.

NPA—National Particleboard Association, 2306 Perkins Place, Silver Spring, Maryland 20910.

NSF—National Sanitation Foundation, 3475 Plymouth Road, Ann Arbor, Michigan 48105.

NWMA—National Woodwork Manufacturers Association, 400 West Madison Street, Chicago, Illinois 60606.

PS—Product Standard—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

SJI—Steel Joist Institute, 2001 Jefferson Davis Highway, Arlington, Virginia 22202.

TPI—Truss Plate Institute, Suite 200, 7100 Baltimore Avenue, College Park, Maryland 20740.

UL—Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611.

§ 280.5 Data plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall bear not less than the following information:

(1) The manufacturer's name and address.

(2) The serial number and the model number of the unit and date the unit was manufactured.

(3) The statement, "The mobile home is designed to comply with the Federal mobile home construction and safety standard in force at the time of manufacture."

(4) Factory installed equipment, the manufacturer's name and the model designation of major factory-installed appliances.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c)(4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

§ 280.6 Serial number.

(a) A mobile home serial number which will identify the manufacturer and the state in which the mobile home is manufactured, must be stamped into the foremost cross member. Letters and numbers must be ⅜ inch minimum in height. Numbers must not be stamped into hitch assembly or drawbar.

Subpart B—Planning Considerations

§ 280.101 Scope.

Subpart B states the planning requirements in mobile homes. The intent of this subpart is to assure the adequacy of architectural planning considerations which assist in determining a safe and healthful environment.

§ 280.102 Definitions.

(a) "Gross Floor Area" means all space, wall to wall, including recessed entries not to exceed 5 sq. ft. and areas under built-in vanities and similar furniture. Where the ceiling height is less than that specified in § 280.104, the floor area under such ceilings shall not be included. Floor area of closets shall not be included in the gross floor area.

(b) "Habitable Room" means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes not including bathrooms, foyers, hallways, and other accessory floor space.

(c) "Laundry Area" means an area containing or designed to contain a laundry tray, clothes washer and/or clothes dryer.

§ 280.103 Light and ventilation.

Provisions shall be made for adequate light and ventilation in accordance with the following:

(a) Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area. An area equivalent to not less than 4 percent of the gross floor area shall be available for unobstructed ventilation. Glazed areas need not be openable where a mechanical ventilation system is provided and is capable of producing a change of air in the room(s) every 30 minutes with not less than one-fifth of the air supply taken from outside the mobile home. Windows and doors used for light or ventilation shall open directly to the outside of the home.

(b) In lieu of the requirements in § 280.103(a), kitchens may be provided with artificial light and mechanical ventilation capable of producing a change of air in the room every 30 minutes. (See § 280.710).

(c) Bathroom and toilet compartments. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ sq. ft. of fully openable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the mobile home.

§ 280.104 Ceiling heights.

(a) Every habitable room and bathroom shall have a minimum ceiling height of not less than 7 feet, 0 inches for a minimum of 50 percent of the room's floor area. The remaining area may have a ceiling with a minimum height of 5 feet, 0 inches. Minimum height under dropped ducts, beams, etc. shall be 6 feet, 4 inches.

(b) Hallways and foyers shall have a minimum ceiling height of 6 feet, 6 inches.

§ 280.105 Exit facilities; exterior doors.

(a) *Number and location of exterior doors.* Mobile homes shall have a minimum of two exterior doors located remote from each other.

(1) Required egress doors shall not be located in rooms where a lockable interior door must be used in order to exit.

(2) In order for exit doors to be considered "remote" from each other, they must comply with all of the following: (i) Both of the required doors must not be in the same room or in a group of rooms which are not defined by fixed walls. (ii) Single wide units. Doors may not be less than 12 ft. c–c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iii) Double wide units. Doors may not be less than 20 ft. c-c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iv) One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 ft.

(b) *Door design and construction.* (1) Exterior swinging doors shall be constructed in accordance with § 280.405 the "Standard for Swinging Exterior Passage Doors for Use in Mobile Homes". Exterior sliding glass doors shall be constructed in accordance with § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(2) All exterior swinging doors shall provide a minimum 28 inch wide by 74 inch high clear opening. All exterior sliding glass doors shall provide a minimum 28 inch wide by 72 inch high clear opening.

(3) Each swinging exterior door other than screen or storm doors shall have a key-operated lock that has a deadlocking latch or a key-operated dead bolt with a passage latch. Locks shall not require the use of a key for operation from the inside.

(4) All exterior doors, including storm and screen doors, opening outward shall be provided with a safety door check.

§ 280.106 Exit facilities; egress windows.

(a) Every room designed expressly for sleeping purposes, unless it has an exit door (See § 280.105), shall have at least one outside window or approved device which meets the requirements of § 280.-404 the "Standard for Egress Windows for Use in Mobile Homes".

(b) The bottom of the window opening shall not be more than 36 inches above the floor.

(c) Locks, latches, operating handles, tabs and any other window, screen or storm window devices which need to be operated in order to permit exiting shall not be located in excess of 60 inches from the finished floor.

§ 280.107 Interior privacy.

Bathroom and toilet compartment doors shall be equipped with a privacy lock.

§ 280.108 Interior passage.

(a) Interior doors having passage hardware without a privacy lock, or with a privacy lock not engaged, shall open from either side by a single movement of the hardware mechanism in any direction.

(b) Each mobile home interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking device on the inside.

§ 280.109 Space planning.

The dimensions set forth in §§ 280.110 through 280.113 are intended to assure that space and a functional arrangement of this space are provided to accommodate the normal activities of living in the mobile home.

§ 280.110 Room requirements.

(a) Every mobile home shall have at least one living area with not less than 150 sq. ft. of gross floor area.

(b) Rooms designed for sleeping purposes shall have a minimum gross square foot floor area as follows:

(1) All bedrooms shall have at least 50 sq. ft. of floor area.

(2) Bedrooms designed for two or more people shall have 70 sq. ft. of floor area plus 50 sq. ft. for each person in excess of two.

(c) Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with a rod and shelf.

§ 280.111 Minimum room dimension.

The gross floor area required by § 280.110(a) and (b) shall have no clear horizontal dimension less than 5 feet except as permitted by § 280.102(a).

§ 280.112 Toilet compartments.

Each toilet compartment shall be a minimum of 30 inches in width, except, when the toilet is located adjacent to the short dimension of the tub, the distance from the tub to the center line of the toilet shall not be less than 12 inches. At least 21 inches of clear space shall be provided in front of each toilet.

§ 280.113 Hallways.

Hallways shall have a minimum horizontal dimension of 28 inches measured from the interior finished surface to the interior finished surface of the opposite wall. When appliances are installed in a laundry area, the measurement shall be from the front of the appliance to the opposite finished interior surface. When appliances are not installed and a laundry area is provided, the area shall have a minimum clear depth of 27 inches in addition to the 28 inches required for passage. In addition, a notice of the available clearance for washer/dryer units shall be posted in the laundry area. Minor protrusions into the minimum hallway width by doorknobs, trim, smoke detectors or light fixtures are permitted.

§ 280.114 Glass and glazed openings.

(a) *Windows and sliding glass doors.* All windows and sliding glass doors shall meet the requirements of § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(b) *Safety glazing.* Glazing in all entrance or exit doors, sliding glass door units (fixed or moving sections), unframed glass doors, unbacked mirrored wardrobe doors (i.e. mirrors not secured to a backing capable of being the door itself), shower and bathtub enclosures and surrounds to a height of 6 feet above the bathroom floor level, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors shall be of a safety glazing material. Safety glazing material is considered to be any glazing material capable of passing the requirements of ANSI Z97.1–72.

Subpart C—Fire Safety

§ 280.201 Scope.

The purpose of Subpart C of this standard is to specify measures which will provide a reasonable degree of safety from fire for the occupants. It is the intent of this Subpart that mobile homes shall be constructed so as to reduce fire hazards and provide detection of a fire for safe egress.

§ 280.202 Definitions.

(a) The following definitions are applicable to Subpart C only:

(1) "Flame Spread" means the propagation of flame over a surface.

(2) "Interior finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the mobile home structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylight, trim, moldings, decorations or furnishing which are not affixed to the mobile home structure.

(3) "Single Station Alarm Device" means an assembly incorporating the smoke detector sensor, the electrical control equipment requirement, and the alarm-sounding device in one unit.

(4) "Smoke Detector" means wall mounted detector of the ionization chamber or photoelectric type which detects visible or invisible particles of combustion and operates from the 120 V AC source of electrical power supply.

§ 280.203 Flame spread limitations and combustibility.

(a) *Flame spread limitations.* The surface flame spread rating of interior finish materials shall not exceed the following when tested by Standard Method of Test for Surface Burning Characteristics of Building Materials, ASTM E84. The surface flame spread rating of interior finish materials required by § 280.203(a) (4) and (6) may be established using the Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E162. Testing shall be by laboratories acceptable to the Secretary.

(1) The interior finish of all walls and partitions shall not have a flame spread rating exceeding 200 except as otherwise specified herein. The flame spread limitation shall not apply to; molding, trim, windows, doors or series of doors not exceeding 4 feet in width, and permanently attached decorative items such as pictures or accent panels constituting not more than 10 percent of the aggregate wall surface in any room or space nor more than 32 square feet in surface area whichever is less.

(2) All ceiling interior finish shall not have a flame spread rating exceeding 200, excluding molding and trim 2 inches or less in width.

(3) Furnace and water heater spaces shall be enclosed by walls, ceiling and doors having an interior finish with a flame spread rating not exceeding 25.

(4) Combustible kitchen cabinet doors, countertops, exposed bottoms and end panels shall not exceed a flame spread rating of 200. Cabinet rails, stiles, mullions and toe strips are exempted.

(5) Exposed interior finishes adjacent to the cooking range shall not have a flame spread rating exceeding 50. Adjacent surfaces are the exposed vertical surfaces between the range top height and the overhead cabinets and/or ceiling and within 6 horizontal inches of the cooking range.

(6) Finish surfaces of plastic bath tubs, shower units and tub or shower doors shall not exceed a flame spread rating of 200.

(b) *Combustibility.* The interior walls and ceiling encasing furnace and water heater enclosures (including doors) and the exposed wall adjacent to the cooking range as defined in § 280.203(a)(5) shall be surfaces with 5/16 inch gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces all openings for pipes and vents shall be tight-fitted or firestopped.

§ 280.204 Kitchen cabinet protection.

(a) The bottom and sides of combustible kitchen cabinets over cooking ranges including a space of 6 inches from the side of the cooking range shall be protected with at least 1/4 inch thick asbestos millboard covered with not less than 26 gage sheet metal (.017 stainless steel, .024 aluminum, or .020 copper) or equivalent protection. The protective metal over the range shall form a hood with not less than a 3 inch eyebrow (measuring horizontally from face of cabinet). The hood shall be centered over and at least as wide as the cooking range.

§ 280.205 Carpeting.

(a) Carpeting shall not be used under a fuel-fired furnace or water heater.

§ 280.206 Firestopping.

(a) Firestopping of 1 inch minimum nominal lumber or the equivalent, shall be provided to cut off all concealed draft openings in all stud walls and partitions, including furred spaces, so placed that the maximum vertical dimension of any concealed space is not over eight feet.

§ 280.207 Requirements for foam plastic thermal insulating materials.

(a) *General.* Foam plastic thermal insulating materials shall not be used within the cavity of walls or ceiling or exposed to the interior of the mobile home, unless otherwise specifically approved by HUD, based on accepted tests including full scale room fire testing.

(b) *Specific requirements.* Foam plastic having a flame spread rating of 75 or less may be used as siding backer board or sheathing with a maximum of 3/8-inch thickness when separated from the interior of the mobile home by a minimum of 2-inches of mineral insulation or equivalent fire protective material.

§ 280.208 Mobile home fire detection equipment.

(a) *General.* At least one smoke detector (which may be a single-station alarm device) shall be installed in each mobile home to protect each separate bedroom area.

(b) *Smoke detector location.* A smoke detector shall be installed in the hallway or space communicating with the bedroom area.

(1) The specific location shall be in the hallway between the living room area and the first bedroom, except that when a door(s) separates the living area from the bedroom area, the detector shall be installed on the living area side as close to the door(s) as practicable.

(2) Mobile homes having bedrooms separated by any one or combination of common use areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room), shall have at least two smoke detectors, one detector protecting each bedroom area.

(3) Where practicable, the detector shall be located between the return air intake and the living area.

(4) The architectural planning of the mobile home shall not isolate a smoke detector so as to impair its effectiveness.

(c) *Smoke detectors.* Smoke detectors shall be either the ionization chamber or the photoelectric wall mounted type and shall comply with all the requirements of Underwriters' Laboratories Standard No. 167 for ionization and 168 for photoelectric type detectors. Detectors shall bear the label of a testing and approval laboratory that indicates the smoke detectors have been tested and approved under the requirements of UL 167 or 168. The testing and approved laboratory shall be one which maintains a periodic follow-up service of the labeled devices to ensure compliance with the original approval.

(d) *Installation.* Smoke detectors shall be installed on an interior wall of the mobile home. The top of the detector shall be 5- to 7-inches from the ceiling. The detector mounting shall be attached to an electrical outlet box and the detector connected by a permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector other than the overcurrent protective device protecting the branch circuit.

Subpart D—Body and Frame Construction Requirements

§ 280.301 Scope.

This Subpart covers the minimum requirements for materials, products, equipment and workmanship needed to assure that the mobile home will provide (a) structural strength and rigidity, (b) protection against corrosion, decay, insects and other similar destructive forces, (c) protection against hazards of windstorm, (d) resistance to the elements, and (e) durability and economy of maintenance.

§ 280.302 Definitions.

(a) The following definitions are applicable to Subpart D only:

(1) "Anchoring Equipment" means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

(2) "Anchoring System" means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

(3) "Tie" means strap, cable, or securing device used to connect the mobile home to ground anchors.

"(4) "Diagonal Tie" means a tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces."

(5) "Vertical Tie" means a tie intended to resist the uplifting or overturning forces.

(6) "Footing" means that portion of the support system that transmits loads directly to the soil.

(7) "Ground Anchor" means any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

(8) "Hurricane Resistive Mobile Home" means a mobile home which meets the wind design load requirements for Zone II in § 280.305(c)(2).

(9) "Loads" (i) "Dead Loads" means the weight of all permanent construction including walls, floors, roof, partition, and fixed service equipment. (ii) "Live Load" means the weight superimposed by the use and occupancy of the mobile home, including wind load and snow load, but not including dead load. (iii) "Wind Load" means the lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction.

(10) "Main Frame" means the structural component on which is mounted the body of the mobile home.

(11) "Pier" means that portion of the support system between the footing and the mobile home exclusive of caps and shims.

(12) "Sheathing" means material which is applied on the exterior side of a building frame under the exterior weather resistant covering.

(13) "Stabilizing Devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the mobile home and secures it to the ground.

(14) "Support System" means a combination of footings, piers, caps, and shims that will, when properly installed, support the mobile home.

§ 280.303 General requirements.

(a) *Minimum requirements.* The design and construction of a mobile home shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer or installer may exceed these standards provided such deviation does not result in any inferior installation or defeat the purpose and intent of this standard.

(b) *Construction.* All construction methods shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing and shall demonstrate acceptable workmanship reflecting journeyman quality of work of the various trades.

(c) *Structural analysis.* The strength and rigidity of the component parts and/or the integrated structure shall be determined by engineering analysis or by suitable load tests to simulate the actual loads and conditions of application that occur. (See Subparts E and J.)

(d) *Hurricane resistive design.* Only mobile homes which meet the applicable requirements of § 280.305(c)(2) may be designated "Designed for Hurricane Zone." No similar designation which would imply hurricane resistance shall be used when the mobile home does not meet these requirements.

(e) *New materials and methods.* (1) Any new material or method of construction not provided for in this standard and any material or method of questioned suitability proposed for use in the manufacture of the structure shall nevertheless conform in performance to the requirements of this standard.

(2) Unless based on accepted engineering design for the use indicated, all new mobile home materials, equipment, systems or methods of construction not provided for in this standard shall be subjected to the tests specified in paragraph (g) of this section.

(f) *Allowable design stress.* The design stresses of all materials shall conform to accepted engineering practice. The use of materials not identified as to strength or stress grade shall be limited to the minimum allowable stresses under accepted engineering practice.

(g) *Alternate test procedures.* In the absence of listed and prescribed standards, the manufacturer shall develop or cause to be developed necessary tests to demonstrate the structural properties and the significant characteristics of the method employed. Such tests shall be witnessed by an independent licensed professional engineer or architect or by a recognized testing organization. Copies of the test results shall be kept on file by the mobile home manufacturer.

§ 280.304 Materials.

(a) Dimension and board lumber shall not exceed 19 percent moisture content at time of installation.

(b) (1) Standards for some of the generally used materials and methods of construction are listed in the following table. (2) Materials and methods of construction utilized in the design and construction of mobile homes which are covered by the standards in the following table, or any applicable portion thereof shall comply with these requirements. (3) Engineering analysis and testing methods contained in these references shall be utilized to judge conformance with accepted engineering practices required in § 280.303(c). (4) Materials and methods of installation conforming to these standards shall be considered acceptable when installed in conformance with the requirements of this Part. (5) Materials meeting the standards (or the applicable portion thereof) are considered acceptable unless otherwise specified herein or unless substantial doubt exists as to conformance.

Aluminum: Aluminum Construction Manual, specifications for aluminum structures.	AA–1971
Steel:	
Specification for the design, fabrication, and erection of structural steel for buildings with supplements 1, 2 and 3 (junior beams meeting ASTM A36 are acceptable if designed to meet the loadings and performance requirements of this standard).	AISC–1973
Specification for the design of cold-formed steel structural members with supplement 1.	AISI–1968
Specification for the design of light-gage cold-formed stainless steel structural members.	AISI–1972
Standard specifications for open web steel joists, J- and H-Series.	AISC and SJI
Criteria for structural applications of steel cables for buildings	AISI–1973
Wood and wood products:	
Hardboard	PS 58, 59, and 60–1973
Hardwood and decorative plywood	USDC PS 51–71
Structural design guide for hardwood plywood	HPMA–SG–71
Timber, structural glued laminated—inspection	AITC–200–1973
Timber, structural glued laminated	USD PS 56–73
Construction and industrial plywood	PS 1–74
Plywood residential construction guide	APA–1975
Design specifications for plywood—lumber components	APA–1974
Fabrication specifications of plywood—lumber components	APA–1975
Stress grade lumber and its fastenings—national design specifications for (and supplement).	(N) FPA–1973
Structural design data—wood	(N) FPA–1970
Span tables for joists and rafters (PS 20–70)	(N) FPA–1973
Working stresses for joists and rafters	(N) FPA–1974
Timber construction standards	AITC–100–1972
Design specifications for light metal plate connected wood trusses.	TPI–74
Span tables for light metal plate connected wooden trusses	TPI, 1972
Particleboard for mobile home decking	NPA 1–73
Mat-formed wood particleboard	CS 236–66
All plywood beams for mobile homes	APA 124–74
Wood flush doors (interior, exterior)	NWMA I.S.1–74
Wood window units	ANSI A200.1–74 (NWMA I.S.2–73)
Water repellent preservative treating for millwork	NWMA I.S.–4–70

Wood and wood products—Continued	
Wood patio doors	NWMA I.S.3–70
Other: Gypsum wallboard	ASTM C36
Fasteners:	
Nails, brads, staples and spikes, wire, cut and wrought	F.S.FF–N–1 5b
Pneumatic and mechanically driven building construction fasteners.	I–SANTA–19–73
Windows and glazing: Transparent safety glazing material used in buildings.	ANSI Z97.1–1972
Unclassified: Building code requirements for minimum design loads in buildings and other structures.	ANSI A58.1–1972

(c) Wood products shall be identified as complying with the appropriate standards."

§ 280.305 Structural design requirements.

(a) Each mobile home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable loads stresses or deflections. Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part. Uncompressed finished flooring greater than ⅛ inch in thickness, shall not extend beneath load bearing walls which are fastened to the floor structure.

(b) *Design Loads.* (1) *Design dead loads.* Design dead loads shall be the actual dead load supported by the structural assembly under consideration. (2) *Design live loads.* The design live loads and wind and snow loads shall be as specified in this Section and shall be considered to be uniformly distributed. The roof live load or snow load shall not be considered as acting simultaneously with the wind load and the roof live or snow load and floor live loads shall not be considered as resisting the overturning moment due to wind. (3) When engineering calulations are performed, allowable unit stresses may be increased as provided in the documents referenced in § 280.304 except as shown otherwise in § 280.306(a).

(c) *Wind, Snow and Roof Loads.* (1) *Standard Wind (Zone I).* When a mobile home is not designated as "Hurricane-Resistive," the mobile home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 15 psf and a net uplift load of not less than 9 psf.

(2) *Hurricane Resistive (Zone II).* (i) When a mobile home is designated as "Hurricane Resistive," the home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 25 psf and a net uplift not less than 15 psf. (ii) For exposures in coastal and other areas where wind records indicate significant differences, 125 mph or greater, from the wind loads stated above, the Department may establish more stringent requirements for homes known to be destined for such areas.

(3) *Roof Loads.* (i) Flat, curved and pitched roofs shall be designed to resist the following live loads, applied downward on the horizontal projection as appropriate for the design zone marked on the mobile home:

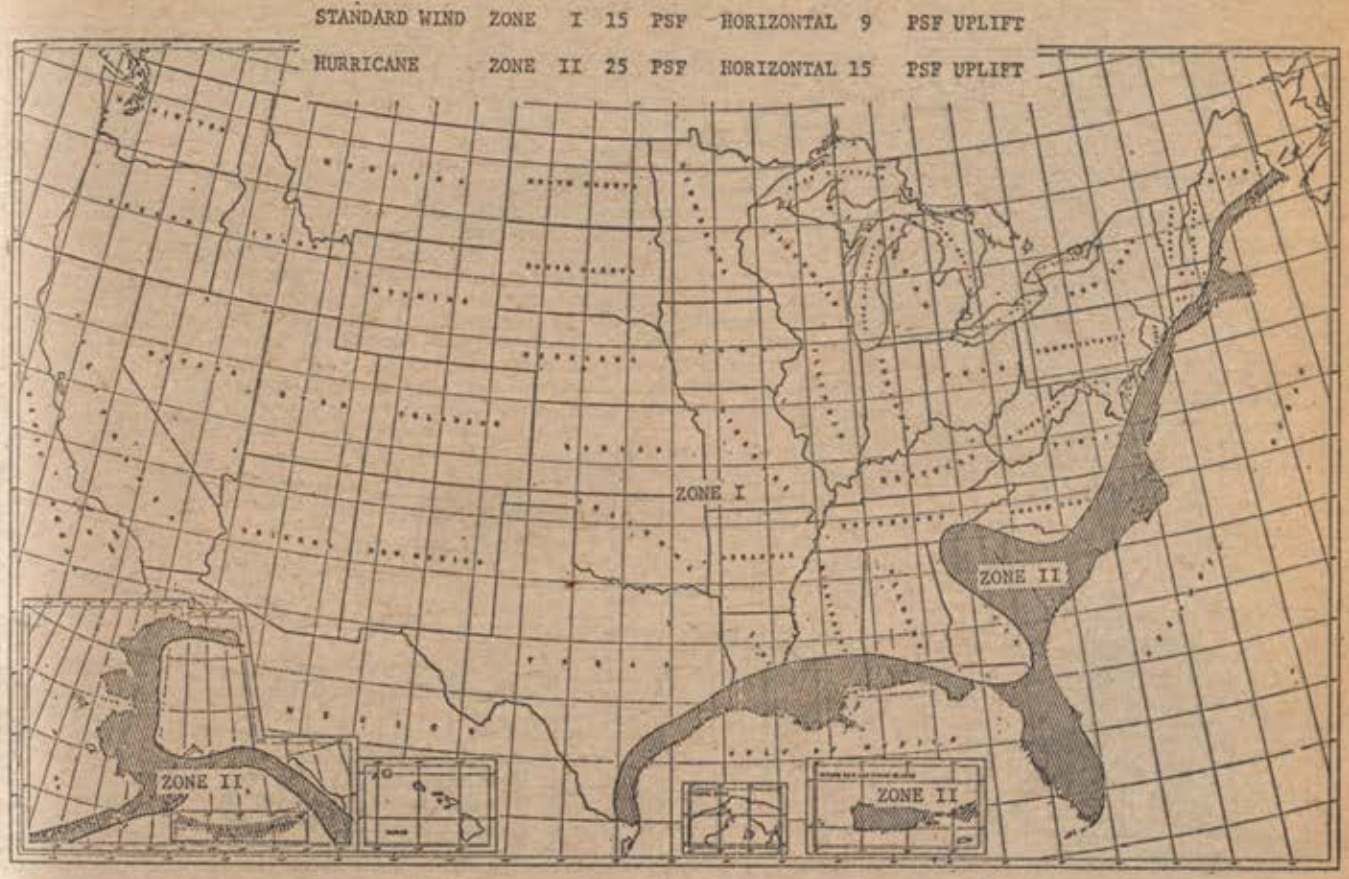
	Pounds per square foot
North Zone	40
Middle Zone	30
South Zone	20

(ii) For exposures in areas (mountainous, or other) where snow or wind records or experience indicate significant differences from the loads stated above, the Department may establish more stringent requirements for homes known to be destined for sluch areas. For snow lands, such requirements are to be based on a roof snow load of 0.6 of the ground snow load for areas exposed to wind and a roof snow load of 0.8 of the ground snow load for sheltered areas.

(iii) Eaves and cornices shall be designed for a net uplift pressure of 2.5 times the design uplift wind pressure cited in § 280.305(c) (1) and (2).

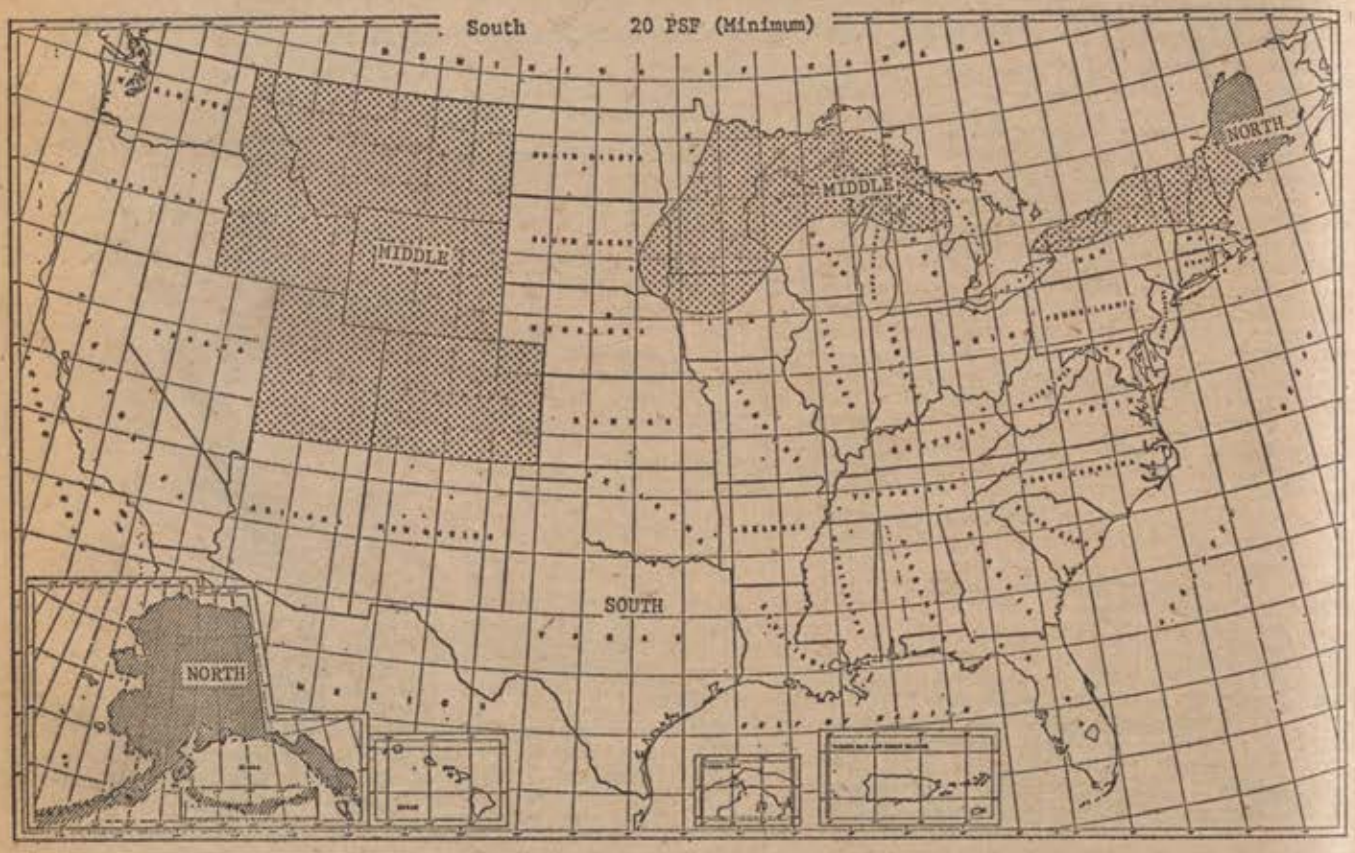
(4) The Data Plate posted in the mobile home (See § 280.5) shall show for which structural zone(s) of the USA the mobile home has been designed and the actual design external snow and/or wind live loads. The Data plate shall include reproduction of the Load Zone Maps shown in this Section and related information. The Load Zone Maps shall be not less than one-half the size illustrated.

WIND ZONE MAP



ROOF LOAD ZONE MAP

North	40 PSF (Snow)
Middle	30 PSF (Snow)
South	20 PSF (Minimum)



(d) *Design Load Deflection.* When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following:

Floor	L/240
Roof and ceiling	L/180
Headers, beams, and girders (vertical load)	L/180
Walls and partitions	L/180

Where L equals the clear span between supports or two times the length of a cantilever.

(e) *Fastening of Structural Systems.* Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part.

(f) *Walls.* The walls shall be of sufficient strength to withstand the load requirements as defined in § 280.305(c) of this part, without exceeding the deflections as specified in § 280.305(d). The connections between the bearing walls, floor, and roof framework members shall be fabricated in such a manner as to provide support for the material used to enclose the mobile home and to provide for transfer of all lateral and vertical loads to the floor and chassis.

(1) Except where substantiated by engineering analysis or tests, studs shall not be notched or drilled in the middle one-third of their length.

(2) Interior walls and partitions shall be constructed with structural capacity adequate for the intended purpose and shall be capable of resisting a horizontal load of not less than five pounds per square foot. Finish of walls and partitions shall be securely fastened to wall framing.

(g) *Floors.* (1) Floor assemblies shall be designed in accordance with accepted engineering practice standards to support a minimum uniform live load of 40 lb/ft² plus the dead load of the materials. In addition (but not simultaneously), floors shall be able to support a 200-pound concentrated load on a one-inch diameter disc at the most critical location with a maximum deflection not to exceed one-eighth inch relative to floor framing. Perimeter wood joists of more than six inches depth shall be stabilized against overturning from superimposed loads as follows: at ends by solid blocking not less than two-inch thickness by full depth of joist, or by connecting to a continuous header not less than two-inch thickness and not less than the depth of the joist with connecting devices; at eight-feet maximum intermediate spacing by solid blocking or by wood cross-bridging of not less than one inch by three inches, metal cross-bridging of equal strength, or by other approved methods.

(2) Wood, wood fibre or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture shall be moisture resistant or shall be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive. Carpets and/or carpet pads shall not be installed in concealed spaces subject to excessive moisture such as plumbing fixture spaces.

(3) Except where substantiated by engineering analysis or tests:

(i) Notches on the ends of joists shall not exceed one-fourth the joist depth.

(ii) Holes bored in joists shall not be within 2 inches of the top or bottom of the joist, and the diameter of any such hole shall not exceed one-third the depth of the joist.

(iii) Notches in the top or bottom of the joists shall not exceed one-sixth the depth and shall not be located in the middle third of the span.

(4) Bottom board material (with or without patches) shall meet or exceed the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with ASTM D-781-68. The material shall be suitable for patches and the patch life shall be equivalent to the material life. Patch installation instruction shall be included in the mobile home manufacturer's instructions.

(h) *Roofs.* (1) Roofs shall be of sufficient strength to withstand the load requirements as defined in § 280.305 (b) and (c) without exceeding the deflections specified in § 280.305(d). The connections between roof framework members and bearing walls shall be fabricated in such a manner to provide for the transfer of design vertical and horizontal loads to the bearing walls and to resist uplift forces.

(2) Roofing membranes shall be of sufficient rigidity to prevent deflection which would permit ponding of water or separation of seams due to wind, snow, ice, erection or transportation forces.

(3) Cutting of roof framework members for passage of electrical, plumbing or mechanical systems shall not be allowed except where substantiated by engineering analysis.

(4) All roof penetrations for electrical, plumbing or mechanical systems shall be properly flashed and sealed. In addition, where a metal roof membrane is penetrated, a wood backer shall be installed. The backer plate shall be not less than 5/16 inch plywood, with exterior glues, secured to the roof framing system beneath the metal roof, and shall be of a size to assure that all screws securing the flashing are held by the backer plate.

§ 280.306 Windstorm protection.

(a) *Provisions for support and anchoring systems.* Each mobile home shall have provisions for support and anchoring systems, which, when properly designed and installed, will resist overturning and lateral movement (sliding) of the mobile home as imposed by the respective design loads. The design wind loads to be utilized for calculating resistance to overturning and lateral movement shall be the wind loads indicated in § 280.305(c) (1) and (2) increased by a factor of safety of 1.5. The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members.

(1) The provisions of this section shall be followed and the support and anchoring systems shall be designed by a Registered Professional Engineer or Architect.

(2) The manufacturer of each mobile home is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices. When the manufacturer's installation instructions provide for the main frame structure to be used as the points for connection of diagonal ties, no specific connecting devices need be provided on the main frame structure.

(b) The manufacturer shall provide printed instructions with each mobile home specifying the location and required capacity of stabilizing devices on which the design is based. The manufacturer shall provide drawings and specifications certified by a registered professional engineer indicating at least one acceptable system of anchorage including the details of required straps or cables, their end connections and all other devices needed to transfer the wind loads from the mobile home to the ground anchors.

(c) The provisions made for anchoring systems shall be based on the following design criteria for mobile homes.

(1) The minimum number of ties required per side shall be as required to resist the design loads stated in § 280.305 (c) (1) and (2).

(2) Ties shall be as evenly spaced as practicable along the length of the mobile home with not more than 8 feet open-end spacing on each end.

(3) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

(4) Add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.

(d) Double-wide mobile homes require only diagonal ties. These shall be placed along the main frame and below the outer side walls.

(e) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or sliding by the cable or strap.

(f) Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the mobile home.

(g) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(1) Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

(2) Type 1, Finish B, Grade 1 steel strapping, 1¼ inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-H, is judged to conform with the provisions of this section and paragraph (f) above.

§ 280.307 Resistance to elements and use.

(a) Exterior coverings shall be of moisture and weather resistive materials attached with corrosion resistant fasteners to resist wind, snow and rain. Metal coverings and exposed metal structural members shall be of corrosion resistant materials or shall be protected to resist corrosion. All joints between portions of the exterior covering shall be designed, and assembled to protect against the infiltration of air and water, except for any designed ventilation of wall or roof cavity.

(b) Joints between dissimilar materials and joints between exterior coverings and frames of openings shall be protected with a compatible sealant suitable to resist infiltration of air or water.

(c) Where adjoining materials or assemblies of materials are of such nature that separation can occur due to expansion, contraction, wind loads or other loads induced by erection or transportation, sealants shall be of a type that maintains protection against infiltration or penetration by air, moisture or vermin.

(d) Exterior surfaces shall be sealed to resist the entrance of rodents.

Subpart E—Testing

§ 280.401 Structural load tests.

Every structural assembly tested shall be capable of meeting the Proof Load Test or the Ultimate Load Test as follows:

(a) *Proof load tests.* Every structural assembly tested shall be capable of sustaining its dead load plus superimposed live loads equal to 1.75 times the required live loads for a period of 12 hours without failure. Tests shall be conducted with loads applied and deflections recorded in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional load shall then be applied continuously until 1.75 times design live load plus dead load has been reached. Assembly failure shall be considered as design live load deflection (or residual deflection measured 12 hours after live load removal) which is greater than the limits set in § 280.305(d), rupture, fracture, or excessive yielding. An assembly to be tested shall be of the minimum quality of materials and workmanship of the production. Each test assembly, component or subassembly shall be identified as to type and quality or grade of material. All assemblies, components or subassemblies qualifying under this section shall be subject to a continuing qualification testing program acceptable to the Department.

(b) *Ultimate load tests.* Ultimate load tests shall be performed on a minimum of three assemblies to generally evaluate the structural design. Every structural assembly tested shall be capable of sustaining its total dead load plus live loads increased by a factor of safety consistent with the material being tested. Factors of safety shall be based on nationally recognized standards and approved by the Department. Tests shall be conducted with loads applied and deflections recorded in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional loading shall then be applied continu-

ously until failure occurs or 1.50 times the factor of safety times the design live load plus the dead load is reached. Assembly failure shall be considered as design live load deflection greater than the limits set in § 208.305(d) rupture, fracture, or excessive yielding. Assemblies to be tested shall be representative of average quality or materials and workmanship of the production. Each test assembly, component, or subassembly shall be identified as to type and quality or grade of material. All assemblies, components, or subassemblies qualifying under this section shall be subject to a periodic qualification testing program acceptable to the Department.

§ 280.402 Test procedure for roof trusses.

(a) *Roof load tests.* The following is an acceptable test procedure, consistent with the provisions of § 280.401, for roof trusses that are supported at the ends and support design loads. Where roof trusses act as support for other members, act as cantilevers, or support concentrated loads, they shall be tested accordingly.

(b) *General.* Trusses may be tested in pairs or singly in a suitable test facility. When tested singly, simulated lateral support of the test assembly may be provided, but in no case shall this lateral support exceed that which is specified for the completed mobile home. When tested in pairs, the trusses shall be spaced at the design spacing and shall be mounted on solid support accurately positioned to give the required clear span distance (L) as specified in the design. The top and bottom chords shall be braced and covered with the material, with connections or method of attachment, as specified by the completed mobile home.

(1) As an alternate test procedure, the top chord may be sheathed with ¼ inch by 12 inch plywood strips. The plywood strips shall be at least long enough to cover the top chords of the trusses at the designated design truss spacing. Adjacent plywood strips must be separated by at least ⅛ inch. The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord of one truss only. The bottom chords of the adjacent trusses may be either: (i) Unbraced, (ii) laterally braced together (not cross braced) with 1" x 2" stripping not closer than 24 inches on center nailed with only one 6d nail at each truss, or (iii) covered with the material, with connections or methods of attachment, as specified for the completed mobile home.

(2) Truss deflections will be measured relative to a taut wire running over the support and weighted at the end to insure constant tension or other approved methods. Deflections will be measured at the two quarter points and at midspan. Loading shall be applied to the top chord through a suitable hydraulic, pneumatic, or mechanical system, masonry units, or weights to simulate design loads. Load units for uniformly distributed loads shall be separated so that arch action does not occur, and shall be spaced not greater than 12 inches on center so as to simulate uniform loading.

(c) *Nondestructive test procedure—* (1) *Dead load plus live load.* (i) Noting figure A, measure and record initial elevation of the truss in test position at no load. (ii) Apply load units to the top chord of the truss equal to the full dead load of roof and ceiling. Measure and record deflections. (iii) Maintaining the dead load, add live load in approximate ¼ design live load increments. Measure the deflections after each loading increment. Apply incremental loads at a uniform rate such that approximately one-half hour is required to establish the total design load condition. Measure and record the deflections five minutes after loads have been applied. The maximum deflection due to design live load (deflection measured in step (iii) minus step (ii)) shall not exceed L/180, where L is a clear span measured in the same units. (iv) Continue to load truss to dead load plus 1.75 times the design live load. Maintain this loading for 12 hours and inspect the truss for failure. (v) Remove the total superimposed live load. Trusses not recovering to at least the L/180 position within 12 hours shall be considered as failing.

(2) *Uplift loads.* This test shall only be required for truss designs which may be critical under uplift load conditions. (i) Measure and record initial elevation of the truss in an inverted test position at no load. Bottom chord of the truss shall be mounted in the horizontal position. (ii) Apply the uplift load as stated in § 280.305(c) to the bottom chord of the truss. Measure and record the deflections 5 minutes after the load has been applied. (iii) Continue to load the truss to 1.75 times the design uplift load. Maintain this load for 3 hours and inspect the truss for failure. (iv) Remove applied loads and within three hours the truss must recover to at least L/180 position, where L is a clear span measured in the same units.

(d) *Destructive test procedure.* (1) Destructive tests shall be performed on three trusses to generally evaluate the truss design. (2) Noting figure A–1, apply the load units to the top chord of the truss assembly equal to full dead load of roof and ceiling. Measure and record deflections. Then apply load and record deflections in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. (3) Additional loading shall then be applied continuously until failure occurs or the factor of safety times the design live load plus the dead load is reached. (4) Assembly failure shall be considered as design live load deflection greater than the limits set in § 280.305(d), rupture, fracture, or excessive yielding. (5) The assembly shall be capable of sustaining the dead load plus the applicable factor of safety times the design live load (the applicable factor of safety for wood trusses shall be taken as 2.50).

(e) Trusses qualifying under the nondestructive test procedure, Tests §§ 208.-402(c) (1) and (2) (when required), shall be subject to a continuing qualification testing program acceptable to the Department. Trusses qualifying under the destructive test procedures, Tests § 280.402 (c)(2) (when required), and (d), shall be subject to periodic tests only.

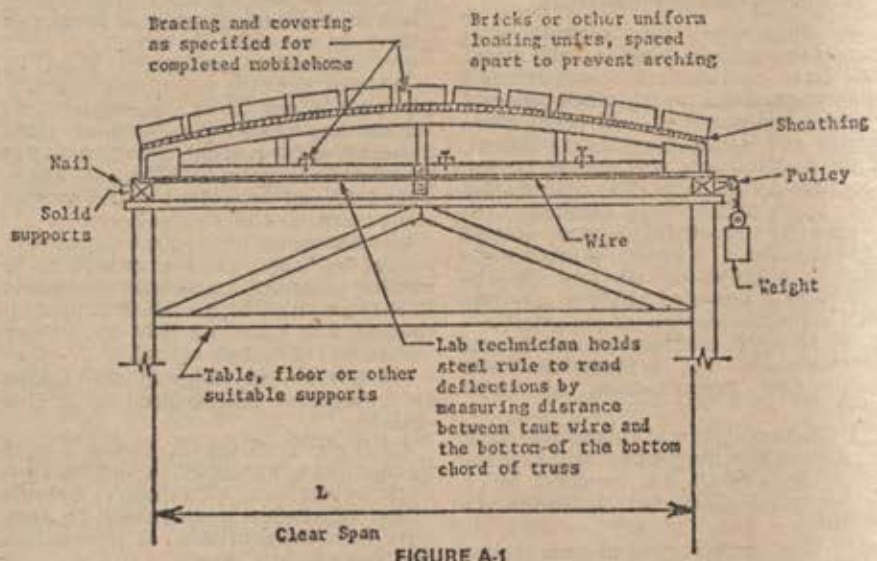


FIGURE A-1
Test Procedure for Roof Trusses

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

(a) *Scope.* This section sets the requirements for prime windows and sliding glass doors used in mobile homes except for windows used in entry doors. Windows so mounted are components of the door and thus are excluded from this standard.

(b) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of questioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (c) of this Section and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products.* (i) *Wood.* Wood parts including plywood and particleboard parts of window units shall have a moisture content of 6 to 12 percent at the time of fabrication. Wood parts, except inside stops and trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D-3110 and preservative treated in accordance with NWMA IS-4. (ii) *Plywood.* Plywood parts except for inside stops and trim shall be exterior type plywood and preservative treated in accordance with NWMA IS-4. (iii) *Particleboard.* Particleboard parts except for inside stops and trim shall be type-2 particleboard and preservative treated in accordance with NWMA IS-4.

(2) *Aluminum.* (i) *Alloys.* Aluminum shall be of a commercial quality and of proper alloy for window construction, free from defects impairing strength and/or durability, as follows:

Wrought aluminum alloys shall be those in which the alloying elements do not exceed the following maximum limits:

	Percent
Silicone	7.0
Magnesium, Manganese, Chromium	6.0
Iron	1.0
Copper	.4
Zinc	1.0
Other	.5
Aluminum	Balance

These limits apply to both bare products and to the core clad products. The cladding of clad products shall be within the same limits except that the maximum zinc limit may be 3.0 percent in order to assure that the cladding is anodic to the core. Where aluminum extrusions are used for the main frame and sash or ventilator sections, they shall have a minimum ultimate tensile strength of 22,000 psi and a yield of 16,000 psi.

(ii) *Finish.* The exposed surface of all aluminum members shall be clean and free from serious surface blemishes. If exposed welded joints are used, they shall be dressed and finished.

(3) *Glass.* (i) Safety glazing materials, where used, shall meet ANSI Z97.1-1972. Tempered glass, where used, shall also meet FS DD-G-1403A. (ii) Insulated glass, when used, shall meet or exceed the requirements of Sealed Insulating Glass Manufacturers Association (SIGMA) and shall be permanently identified with the name of the insulating glass manufacturer. (iii) Glass tolerances and areas shall meet or exceed the values shown in the Glass Table below.

Glass dimensional tolerances [a] and maximum allowable areas [b]—sheet glass

Nominal thickness (inches)	Minimum thickness (inches)	Maximum area [b] (square feet) at 15 lb/ft²	Maximum area [b] (square feet) at 25 lb/ft²
18 oz	0.078	11	10
SS	.085	13	11
24 oz	.108	18	14
DS	.115	20	15
3/16	.182	40	30
7/32	.206	58	37
1/4	.236	72	43

[a] For other types of glass see Federal Specification DD-G-451c, dated Jan. 15, 1968.

[b] Maximum areas shown are based on minimum glass thicknesses set forth. Maximum areas shown apply for rectangular lites of annealed glass firmly supported on all 4 sides in a vertical position.

Tabulated areas may be increased as noted for use of tempered, heat strengthened or sealed insulating glass and shall be decreased as noted for use of sandblasted, wire or laminated glass. Glass louvers installed in jalousies shall be not less than 7/32" thick nor longer than 36" and exposed edges shall be seamed, ground or polished.

ADJUSTMENT FACTORS
RELATIVE RESISTANCE TO WIND LOADS [1]

Glass type:	Approximate relationship
Regular plate	1.0
Laminated	0.6
Wire	0.5
Heat strengthened	2.0
Fully tempered	4.0
Factory fabricated insulating glass [2]	1.5
Rough rolled or patterned surface	1.0
Sand blasted annealed glass	0.4

[1] To determine the maximum allowable area for the glass types listed multiply the allowable area established by the appropriate adjustment factor.

[2] Use thickness of thinner of the two lights, not thickness of unit.

(4) *Glazing.* Any method of glazing conforming to the Performance Requirements (paragraph c of this section) and Material and Methods Requirements (paragraph b of this section) shall be acceptable.

(5) *Hardware and Fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in Performance Requirements, paragraph (c) of this section.

(c) *Performance Requirements.* Test procedures as outlined in pargaraphs (c) (1) thru (4) of this section are applicable to preproduction prototype units of prime windows and sliding glass doors. Production line units shall be equivalent in design and materials to the tested and passed prototype units and shall also meet the requirements of 280.403(c) (5).

(1) *Size of test specimen.* Production line units shall have width and height dimensions equal to or less than the corresponding dimensions of the prototype unit tested and passed. No inference of compliance to these requirements is to be made for products exceeding the size of the tested and passed prototype.

(2) *Structural performance test*—(i) *Zone I.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an exterior pressure, 15 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (ii) *Zone II.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressure of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (iii) *Interior pressure.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in either paragraphs (c) (2) (i) or (c) (2) (ii). The test method applicable to this requirement shall be ASTM E-330 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in § 280.403(c) (3).

(3) *Air infiltration test.* Air infiltration shall not exceed 0.50 CFM per square foot of window area when tested in accordance with ASTM E-283 at an exterior pressure differential of 1.567 pounds per square foot (0.30" of water pressure).

(4) *Water resistance test.* No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" water pressure) when tested in accordance with ASTM E-547 with a test period consisting of four cycles, each cycle consisting of five minutes with pressure released, during which the water spray will be continuously applied. (i) For the purpose of compliance with paragraph (c) (4), all units which may have exterior screens, shall be tested first with screens in place and thereafter with screens removed. (ii) For the purpose of compliance with paragraph (c) (4), penetration, as referenced in ASTM E-331-70, paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

(5) *Production Line Units.* Production line units of prime windows and sliding glass doors shall comply with: (i) The structural performance test to the zone limit certified in paragraph (c) (2) of this section and; (ii) the air infiltration test in paragraph (c) (3) of this section and; (iii) the water resistance test in paragraph (c) (4) of this section except that the test pressure shall be 1.56

psf (0.30" water column) and the water application rate shall be 2.5 GPH, per square foot of window surface area, all other parameters being the same as set forth in paragraph (c)(4) of this section.

(d) *Test sequence.* The sequence of tests shall be performed as they are listed above except that Structural Performance Test to Zone I (15 PSF) exterior pressure may be followed by Zone I interior pressure (7.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test, which may be followed by the Structural Performance Test to Zone II and (25 PSF) exterior pressure, which may be followed by the Zone II and interior pressures (12.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test. The Air Infiltration Test may be performed after the Water Resistance Test providing all sealed areas are thoroughly dried.

(e) *Screens.* (1) Screen, when specified, shall be provided with fastening devices, suited particularly for application to the specific window for which they are intended, and be of sufficient strength to perform satisfactorily.

(2) Insect screening shall be of a material compatible with aluminum and shall meet CS 138–55, "Insect Wire Screening," FS RR–W–365, "Screening, Wire, Insect," CS 248–64, "Vinyl Coated Glass Fibre Insect Screening and Louver Cloth," or FS L–S–125a "Screening, Non Metallic Insect."

(f) *Assembly.* Windows shall be assembled in a secure and workmanlike manner to perform as hereinafter specified and to assure neat and weather tight construction. A permanent-type watertight joint shall be made at the junction of the sill and side frame members.

(g) *Shipping.* Units may be shipped either as a subassembly unit or as a completely assembled unit but not as a KD or open unit. A KD unit is a unit that is complete in its entirety with the exception of glass, glazing material, or screen, which is shipped in a disassembled condition and later assembled and glazed according to the instructions of the manufacturer and utilizing all of the components supplied or specified by the manufacturer.

(1) An open unit is a unit that is complete in its entirety with the exception of glass, glazing materials, or screen, which is shipped in an assembled condition and later glazed according to the instruction of the manufacturer, utilizing all of the components supplied by the manufacturer.

(2) A subassembly unit is a unit that is complete in its entirety including the glazing of glass or other glazing panels into their respective fixed or moving sash frames, which is shipped with such glazed panels separate from each other or from any master frame, which master frame may be either disassembled or assembled. The connection of such master frame to glazed, fixed, or moving panels is to take place later according to the instructions of the manufacturer utilizing all of the components supplied by the manufacturer.

(3) A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces.

(h) *Permanent identification.* (1) As identification, each unit shall bear a certification label containing a code number traceable to the manufacturer through the certifying agency or the name of the manufacturer or brand name together with the city and state location of the manufacturer or main office of the manufacturer.

(2) The label shall be of a permanent-type designed to discourage easy removal, shall be legible and shall remain legible under normal operating conditions for a period of not less than five years from date of product installation.

(3) Acceptable means of identification are, but are not limited to, the following: Embosed, stamped, cast or molded characters becoming an integral part of the material on which they are located; flexible color-fast and durable labels, decals, stickers, etc., affixed with a permanent-type adhesive; or rigid metal or plastic name plates affixed mechanically or with a permanent-type adhesive.

(4) Location of the label shall be such that it is accessible for normal direct viewing purposes from the interior side of the product, after the unit is installed, without the necessity of product disassembly. Identification located only on the glass or screen shall not be acceptable.

(i) *Certification.* The manufacturer shall show evidence of continued compliance by affixing a quality certification label to the product in accordance with ANSI Z34.1, "American National Standard Practice for Certification Procedures." In determining certifiability under this section, compliance shall consist of preproduction specimen testing in accordance with each and every requirement of this section followed by an in-plant inspection and production unit testing system consisting of a minimum of two such inspections per year by an independent quality assurance agency.

§ 280.404 Standard for egress windows for use in mobile homes.

(a) *Scope and purpose.* The purpose of this section is to establish the requirements for the design, construction, and installation of windows and approved devices intended to be used as an emergency exit during conditions encountered in a fire or similar disaster.

(b) *Requirements*—(1) *Installation.* Window manufacturers shall provide the home manufacturer with written installation instructions.

(2) *Performance.* The egress window including auxiliary frame and seals, if any, shall meet the requirements of § 280.403 "Standard for Windows and Sliding Glass Doors Used in Mobile Homes."

(3) *Dimensions.* (i) All egress windows shall have a minimum clear dimension of 22 inches when determined in accordance with Test A paragraph (d)(1) of this section. (ii) All egress windows shall have a minimum clear opening of 5 square feet when determined in accordance with Test B, paragraph (d)(2) of this section.

(4) *Operational.* (i) Operating instructions shall be applied to each egress window and carry the legend "Do Not Remove." In addition, the instructions should include a reminder to remove all shipping clips on screens, storm windows, and other appurtenances for exiting purposes. (ii) The number of locks and latches shall not exceed 2, not including the 4 appurtenance attachment mechanisms permitted by paragraph (c)(2)(i) of this section. (iii) Locks, latches, lifting and sliding operational forces shall not exceed a force of 20 pounds when tested in accordance with Test C, paragraph (d)(3) of this section. (iv) Any handle or latch required to operate the emergency egress provisions of the window shall be attached in the factory by either a permanent method or a mechanical method which requires a tool not commonly available in the home, unless removal of the latch or handle will in no way limit the effectiveness of the egress provision. (v) Any window whose egress provisions are dependent on the operation of a rotary operator is unacceptable.

Example: Awning windows utilizing a single vent for egress and requiring a rotary operator for activation is unacceptable, whereas an awning window set in a separate frame whose activation requires only a 180° twist of the lock to allow egress is acceptable even though a rotary operator is present for normal operation.

(c) *Appurtenances.* (1) The addition or inclusion of screens, storm windows, or other appurtenances shall not encroach upon the dimensional requirements set forth in paragraph (b)(3).

(2) Any mechanism used to attach an appurtenance such as a screen or storm window to the window shall meet the following requirements unless the appurtenance meets the requirements of paragraph (c)(3): (i) The number of mechanisms shall not exceed 4 and; (ii) The operating force of the mechanisms shall not exceed 5 pounds tested in accordance with Test D paragraph (d)(4) and; (iii) The mechanisms shall be designed so that that cannot be misapplied utilizing normal household tools such as screwdrivers, pliers and wrenches exceeding the aforementioned forces; and (iv) The surface to which the operating force is applied shall have a minimum cross-sectional area of 0.25 square inches.

(3) If an appurtenance such as a screen or storm window is attached to the window in such a manner that it need not be removed or disengaged in any way in order to effect a fully opened exit, the requirements of paragraph (c)(2) need not be met.

(4) The operating instructions detailed in paragraph (b)(4)(i) shall include instructions on the required removal and replacement of any screen and/or storm sash appurtenance.

(d) *Test methods*—(1) *Test Method A—Minimum Dimensions.* The minimum dimension of 22 in. required by paragraph (b)(3)(i) shall be tested as follows: When the window is in the final position for egress, a 22 in. dowel shall

be passed through the opening at the point of its least dimension while contacting only one point of the window frame, at either the horizontal or vertical orientation of the dowel. (i) Example: In a horizontally opening window (sliding or rolling), the minimum dimension requirement may be met as follows: When the window is in the final position for egress, place one end of the dowel perpendicularly against the portion of the main frame side (bottom) projecting furthest towards the center of the opening, and pass the dowel through the opening in a horizontal (vertical) plane without touching any portion of the device except the main frame side (bottom) on which it is pivoted. (ii) Example: Any type of window may be mounted in a side, bottom, or top hinged or pop-out egress frame which in the fully opened position meets the minimum dimension and area requirements.

(2) *Test Method B—Minimum Area.* The minimum area requirement of 5 square feet contained in paragraph (b) (3) (ii) shall be determined by multiplying the minimum dimension (which may exceed 22 in.) by the clear dimension measured perpendicularly to the minimum dimension and in the plane of the window main frame. (i) Example: In a vertically operating window whose minimum dimension is from the main frame bottom to that portion of the operating vent projecting furthest toward the horizontal center line of the egress opening when in the fully opened position, the minimum area shall be determined by multiplying the minimum dimension by the inside side-to-side dimension.

(3) *Test Method C—Operating Forces.* (i) For horizontal or vertical moving windows, a force gage shall be attached to the manual pull bar at its centerpoint. After opening the latch or lock, a force not to exceed 20 pounds shall be exerted in a direct pull parallel to the window in order to obtain movement in the opening direction. The window shall be in the closed and latched position prior to the test and shall have been subjected to 5 opening and closing cycles prior to the test. (ii) Locks and latches shall be tested as noted in section (d) (3) (i) except that the force gage shall be located in the center of the latch or lock handle.

(4) *Test Method D—Mechanical Device Operating Force (Appurtances).* (i) A force gage of sufficient capacity using a point contact and having the ability to retain the maximum reading (Chatillion DPP–50 or similar) shall be used. The force gage point shall be applied to the mechanism at the center of the normal force application area and sufficient force applied to disengage the appurtenance. The maximum reading shall be retained by the force gage and may be read directly.

(e) *Test Report.* (1) The test report shall include all requirements of this standard listed in their order shown in this standard. Where certain provisions of the standard do not apply, the notation "N.A." (Not applicable) shall so denote these items. Where certain appurtenances are not supplied; such as storm windows or screen, the notation "N.S." (Not supplied) shall so denote those items.

(2) The test report shall be complete with manufacturers assembly drawing, extrusion drawings, parts list, weatherstrip description, glazing method, description including backbedding and glazing method, installation and operating instructions. Where the unit tested is not in its actual installation, a clause stating the following shall be included in the test report: "This unit tested as submitted. Actual installation must be in accordance with the instructions included with this report or this report is not valid."

(3) The test report on all units submitted for test not having appurtenances listed in paragraph (c) shall include a statement as follows: "This unit tested without storm windows (or screen). The installation of these items with this product invalidates this test report."

(4) For any test on component parts, such as balances, friction positioners, etc., certification by an independent testing agency shall be acceptable for evidence of compliance. If such certification is used, the test report shall so state, and give the name of the agency.

(5) Test reports used to demonstrate compliance with this standard to any governmental body shall be made available to the public upon request.

§ 280.405 Standard for swinging exterior passage doors for use in mobile homes.

(a) *Introduction.* This standard applies to all exterior passage door units, excluding sliding doors and doors used for access to utilities and compartments. This standard applies only to the door frame consisting of jambs, head and sill and the attached door or doors.

(b) *Purpose.* It is the purpose of this standard to establish the requirements for exterior passage door units irrespective of the type of material used in the manufacture of these products.

(c) *General requirements and materials of construction.* (1) The design and construction of the exterior passage door units shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these standards provided such deviation does not result in an inferior product or defeat the purpose and intent of this standard. Units may be shipped as a completely assembled unit, but not as KD or open unit. A KD unit is a unit that is complete in its entirety, which is shipped in a dissassembled condition and later assembled and glazed according to the instructions of the manufacturer. An open unit is a unit that is complete in its entirety with the exception of a window insert, which is shipped in an assembled condition and later glazed according to the instructions of the manufacturer. A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces, except for: Lock-knobs only and keys, door chain and attachments, storm door latch, chain and attachments, threshold extension, screw cover, drip cap.

(2) *Workmanship.* All construction methods, materials and workmanship shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing.

(d) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of questioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (e) of this standard and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products.*—(i) Wood. Wood door parts shall be manufactured of suitable lumber having a moisture content of 6 to 12 percent at time of fabrication. Wood parts except interior trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D–3110 and Preservative Treated in accordance with NWMA I.S.–4 standard. Doors shall conform to the Type 1 requirements of NWMA I.S. 1–74. (ii) Plywood. Plywood shall be exterior type and preservative treated in accordance with NWMA I.S.–4. (iii) Hardboard parts shall meet or exceed the requirements for ⅛ inch tempered hardboard in accordance with the latest edition of PS 58.

(2) *Hardware and fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in this section and in the Performance Requirements Section, Paragraph (e) of these specifications.

(3) *Glass.* All glazing in doors shall be safety glazing material meeting ANSI Z97.1–72. Glass in jalousies shall also be at least 7/32 in. in thickness and not longer than 36 inches. Exposed edges shall be seamed, ground or polished to prevent injury.

(4) *Weatherstripping.* A tight threshold and weatherstripping to reduce air infiltration and improve water resistance shall be provided capable of conforming to the criteria stipulated in the Performance Requirements Section, Paragraph (e) of this standard.

(e) *Performance requirements.*—(1) *Size of test specimen.* All tests shall be performed on exterior passage door units with all operable portions closed and all criteria herein are applicable to exterior passage doors of the largest type that the producer desires to qualify under this specification. No inference of compliance to these requirements is to be made for products exceeding the size of the test specimen submitted. Largest unit size is determined by the maximum width and height dimensions of production units that are equal to or less than correspond-

ing dimensions in that unit tested and passed.

(2) *Structural performance test*—(i) *Wind pressure resistivity.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressures of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E-330. (ii) *Interior pressure.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in paragraph (e)(2)(i). The test method applicable to this requirement shall be ASTM E-330 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air, the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in paragraph (e)(2)(iii) of this specification. (iii) *Air infiltration test.* Air infiltration shall not exceed the limits set forth below when tested in accordance with ASTM E-283 at an exterior pressure differential of 1.56 pounds per square foot (0.300" water pressure).

1.35 CFM per sq. ft. of door	Jan. 1, 1975.
1.2 CFM per sq. ft. of door	Jan. 1, 1976.
1.0 CFM per sq. ft. of door	Jan. 1, 1977.

(iv) *Water resistance test.* No water shall pass the interior face of the test specimen at a test pressure of 0 psf when tested in accordance with ASTM E-331. (v) The sequence of tests shall be performed as they are listed above. The Air Infiltration Test may be performed after the Water Resistance Test providing all sealed areas are thoroughly dried.

Subpart F—Thermal Protection

§ 280.501 Scope.

This subpart sets forth the requirements for condensation control, air infiltration, thermal insulation and certification for heating and comfort cooling.

§ 280.502 Definitions.

(a) The following definitions are applicable to Subpart F only:

(1) "Pressure Envelope" means that primary air barrier surrounding the living space which serves to limit air leakage. In construction using ventilated cavities, the pressure envelope is the interior skin.

(2) "Thermal Envelope Area" means the sum of the surface areas of outside walls, ceiling and floor, including all openings. The wall area is measured by multiplying outside wall lengths by the inside wall height from floor to ceiling. The floor and ceiling areas are considered as horizontal surfaces using exterior width and length.

§ 280.503 Materials.

Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning thermal transmission are attained.

§ 280.504 Condensation control (vapor barriers).

(a) *Ceilings.* Ceilings shall have a vapor barrier having a permeance not greater than 1 perm (dry cup method) installed on the living space side of the roof cavity.

(b) Exterior walls. (1) Exterior walls shall have a vapor barrier not greater than 1 perm (dry cup method) installed on the living space side of the wall, or (2) Unventilated wall cavities shall have an external covering and/or sheathing which forms the pressure envelope. The covering and/or sheathing shall have a combined permeance of not less than 5.0 perms. In the absence of test data, combined permeance may be computed using the formula:

$$P_{Total} = \frac{1}{\frac{1}{P_1} + \frac{1}{P_2}}$$

where P_1 and P_2 are the permeance values of the exterior covering and sheathing in perms.

Formed exterior siding applied in sections with joints not caulked or sealed shall not be considered to restrict water vapor transmission, or (3) Wall cavities shall be constructed so that ventilation is provided to dissipate any condensation occurring in these cavities.

§ 280.505 Air infiltration.

(a) *Envelope air infiltration.* The opaque envelope shall be designed and constructed to limit air infiltration to the living area of the home. Any design, material, method or combination thereof which accomplishes this goal may be used. The goal of the infiltration control criteria is to reduce heat loss/heat gain due to infiltration as much as possible without impinging on health and comfort and within the limits of reasonable economics.

(1) *Envelope penetrations.* Plumbing, mechanical and electrical penetrations of the pressure envelope not exempted by this part, and installations of window and door frames shall be constructed or treated to limit air infiltration. Penetrations of the pressure envelope made by electrical equipment, other than distribution panel boards and cable and conduit penetrations, are exempt from this requirement. Cable penetrations through outlet boxes are considered exempt.

(2) *Joints between major envelope elements.* Joints not designed to limit air infiltration between wall-to-wall, wall-to-ceiling and wall-to-floor connections shall be caulked or otherwise sealed. When walls are constructed to form a pressure envelope on the outside of the wall cavity, they are deemed to meet this requirement.

§ 280.506 Heat loss.

The mobile home heat loss/heat gain shall be determined by methods outlined in §§ 280.508 and 280.509. The outdoor winter design temperature zone for which the mobile home is acceptable and the lowest outdoor temperature to which the installed heating equipment will maintain a temperature of 70 F shall be certified as specified in § 280.510 of this subpart.

(a) Transmission Heat Loss Coefficient. The overall coefficient of heat transmission of the mobile home for the respective zones and an indoor design temperature of 70 F, including internal and external ducts, and excluding infiltration ventilation and condensation control, shall not exceed the B.T.U./(hr.) (sq. ft) (F) of the mobile home envelope area as tabulated below

Zone:	*Maximum transmission coefficient*
I	.157 Btu/(hr.) (sq. ft.) (F)
II	.126 Btu/(hr.) (sq. ft.) (F)
III	.104 Btu/(hr.) (sq. ft.) (F)

(b) To assure uniform heat transmission in mobile homes, cavities in exterior walls, floors, and ceilings shall be provided with thermal insulation.

(c) Mobile homes designed for Zones II and III shall be factory equipped with storm windows or insulating glass.

§ 280.507 Comfort heat gain.

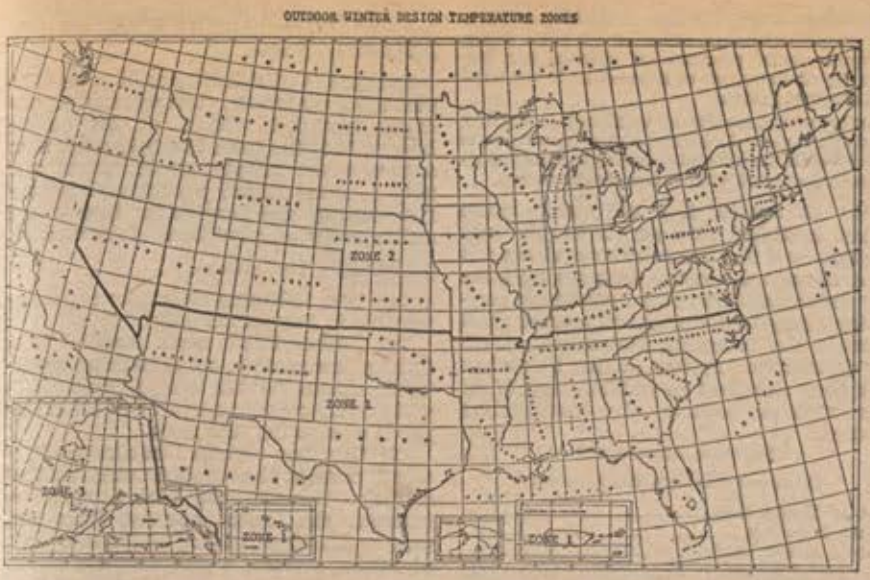
Information necessary to calculate the home cooling load shall be provided as specified in this Part.

(a) *Transmission heat gains.* Homes complying with this section shall meet the minimum heat loss transmission coefficients specified in § 280.506(a).

§ 280.508 Heat loss, heat gain and cooling load calculations.

Information, values and data necessary for heat loss and heat gain determinations shall be taken from the 1972 ASHRAE Handbook of Fundamentals.

Infiltration and Ventilation—Chapter 19.
Determining "R" & "U" Value—Chapter 20.
Heating Load—Chapter 21.
Cooling Load Calculations—Chapter 22.
Outdoor Winter Design Temperatures (Use 97½ percent values)—Chapter 33.
Outdoor Summer Design Temperatures (Use 2½ percent values)—Chapter 33.



§ 280.509 Criteria in absence of specific data.

In the absence of specific data, for purposes of heat-loss/gain calculation, the following criteria shall be used:

(a) *Infiltration Heat Loss.* In the absence of measured infiltration heat loss data, the following formula shall be used to calculate heat loss due to infiltration and intermittently operated fans exhausting to the outdoors. The perimeter calculation shall be based on the dimensions of the pressure envelope.

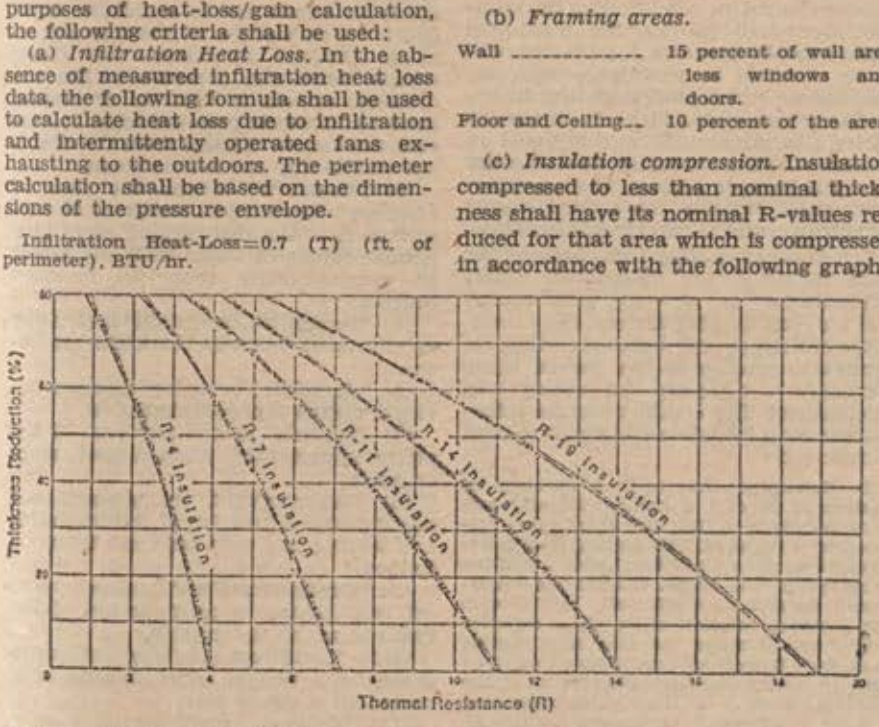
Infiltration Heat-Loss=0.7 (T) (ft. of perimeter), BTU/hr.

where: T=70 minus the heating system capacity certification temperature stipulated in the Heating Certificate, in F.

(b) *Framing areas.*

Wall	15 percent of wall area less windows and doors.
Floor and Ceiling	10 percent of the area.

(c) *Insulation compression.* Insulation compressed to less than nominal thickness shall have its nominal R-values reduced for that area which is compressed in accordance with the following graph:



When insulation is installed over the framing members the thermal performance of the insulation is reduced due to compression at the framing members. The Resistance value of the insulation between the framing members is reduced by 12.5 percent for framing members 16" O.C., 8.5 percent for framing members 24" O.C., and 4 percent for framing members 48" O.C.

(d) *Air supply ducts within floor cavity.* Air supply ducts located within a floor cavity shall be assumed to be heating or cooling the floor cavity to living space temperatures unless the duct is structurally isolated by the framing system or thermally insulated from the rest of the floor cavity with a thermal insulation at least equal to R-4.

(e) *Air supply ducts within ceiling cavity.* Where supply ducts are located in ceiling cavities, the influence of the duct on cavity temperatures shall be considered in calculating envelope heat loss or heat gain.

(f) The supply duct loss (and/or heat gain where applicable—See § 280.511) shall be calculated using the actual duct surface area and the actual thickness of insulation between the duct and outside of the mobile home. If there is an air space of at least ½ inch between the duct and the insulation, heat loss/gain need not be calculated if the cavity in which the duct is located is assumed to be at living space temperature. The average temperature inside the supply duct, including ducts installed outside the mobile home, shall be assumed to be 130 F for purposes of calculation of heat loss and 60 F for heat gain.

(g) *Return air cavities.* Cavities used as return air plenums shall be considered to be at living space temperature.

§ 280.510 Heat loss certificate.

The mobile home manufacturer shall permanently affix the following "Certificate" to an interior surface of the home that is readily visible to the homeowner. The "Certificate" shall specify the following:

(a) *Heating zone certification.* The design zone at which the mobile home heat loss complies with § 280.506(a).

(b) *Outdoor certification temperature.* The lowest outdoor temperature at which the installed heating equipment will maintain a 70 F temperature inside the home without storm sash or insulating glass for Zone I and with storm sash or insulating glass or Zones II and III and complying with §§ 280.508 and 280.509.

HEATING CERTIFICATE

Home Manufacturer _____

Plant Location _____

Home Model _____

(Include Winter Climate Zone Map)

This mobile home has been thermally insulated to conform with the requirements of the Federal Mobile Home Construction and Safety Standards for all locations within climatic Zone ——.

Heating Equipment Manufacturer _____

Heating Equipment Model _____

The above heating equipment has the capacity to maintain an average 70 F temperature in this home at outdoor temperatures of —— F.

To maximize furnace operating economy, and to conserve energy, it is recommended that this home be installed where the outdoor winter design temperature (97½%) is not higher than —— degrees Fahrenheit.[1]

The above information has been calculated assuming a maximum wind velocity of 15 MPH at standard atmospheric pressure.

§ 280.511 Comfort cooling certificate and information.

(a) The mobile home manufacturer shall permanently affix a "Comfort Cooling Certificate" to an interior surface of the home that is readily visible to the home owner. This certificate may be combined with the heating certificate required in § 280.511. The manufacturer shall comply with one of the following

[1] The temperature to be specified shall be 20 F or 30% of the design temperature difference, whichever is greater, added to the temperature specified as the heating system capacity certification temperature without storm windows or insulating glass for Zone I and with storm windows or insulating glass for Zones II and III. Design temperature difference is 70 minus the heating system capacity certification temperature in degrees Fahrenheit.

three alternatives in providing the certificate and additional information concerning the cooling of the mobile home:

(1) *Alternative 1.* If a central air conditioning system is provided by the home manufacturer, the heat gain calculation necessary to properly size the air conditioning equipment shall be in accordance with procedures outlined in Chapter 22 of the ASHRAE Handbook of Fundamentals, with an assumed location and orientation. The following information shall be supplied on the Comfort Cooling Certificate:

"Air Conditioner Manufacturer_____
Air Conditioner Model_____
Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized, assuming an orientation of the front (hitch) end of the home facing _____ and is designed on the basis of a 75 F indoor temperature and an outdoor temperature of —— F dry bulb and —— F wet bulb."

Example Alternate 1

COMFORT COOLING CERTIFICATE

Mobile Home Mfg_____
Plant Location _____
Mobile Home Model _____
Air Conditioner Manufacturer _____
Air Conditioner Model _____

Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized assuming an orientation of the front (hitch end) of the home facing _____. On this basis the system is designed to maintain an indoor temperature of 75 F when outdoor temperatures are —— F dry bulb and —— F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows of this home to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1972 edition of the ASHRAE Handbook of Fundamentals.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(2) *Alternative 2.* For each home suitable for a central air cooling system, the manufacturer shall provide the following statement: "This air distribution system of this home is suitable for the installation of a central air conditioning system."

Example Alternate 2

COMFORT COOLING CERTIFICATE

Mobile Home Manufacturer_____
Plant Location_____
Mobile Home Model_____

This air distribution system of this home is suitable for the installation of central air conditioning.

The supply air distribution system installed in this home is sized for Mobile Home Central Air Conditioning System of up to —— B.T.U./Hr. rated capacity which are certified in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards. When the air circulators of such air conditioners are rated at 0.3 inch water column static pressure or greater for the cooling air delivered to the mobile home supply air duct system.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(3) *Alternative 3.* If the mobile home is not equipped with an air supply duct system, or if the manufacturer elects not to designate the home as being suitable for the installation of a central air conditioning system, the manufacturer shall provide the following statement: "This air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system."

Example Alternate 3

COMFORT COOLING CERTIFICATE

Mobile Home Mfg_____
Plant Location_____
Mobile Home Model_____

The air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system.

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum central mobile home air conditioning capacity certified in accordance with the appropriate A.R.I. standards and in accordance with § 280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

(c) *Comfort cooling information.* For each mobile home designated, either "suitable for" or "provided with" a central air conditioning system, the manufacturer shall provide comfort cooling information specific to the mobile home necessary to complete the cooling load calculations. The comfort cooling information shall include a statement to read as follows:

To determine the required capacity of equipment to cool a home efficiently and economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location and the structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbooks of Fundamentals, once the location and orientation are known.

INFORMATION PROVIDED BY THE MANUFACTURER NECESSARY TO CALCULATE SENSIBLE HEAT GAIN

Walls (without windows and doors)	"U"	_____
Ceilings and roofs of light color	"U"	_____
Ceilings and roofs of dark color	"U"	_____
Floors	"U"	_____
Air ducts in floor	"U"	_____
Air ducts in ceiling	"U"	_____
Air ducts installed outside the home	"U"	_____

Information necessary to calculate duct area

Subpart G—Plumbing Systems

§ 280.601 Scope.

Subpart G of this Standard covers the plumbing materials, fixtures, and equipment installed within or on mobile homes. It is the intent of this subpart to assure water supply, drain, waste and vent systems which permit satisfactory functioning and provide for health and safety under all conditions of normal use.

§ 280.602 Definitions.

(a) The following definitions are applicable to Subpart G only:

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require removal of an access panel or opening of a door.

(2) "Air Gap (Water Distribution System)" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, water supplied appliances, or other device and the flood level rim of the receptacle.

(3) "Anti-Siphon Trap Vent Device" means a device which automatically opens to admit air to a fixture drain above the connection of the trap arm so as to prevent siphonage, and closes tightly when the pressure within the drainage system is equal to or greater than atmospheric pressure so as to prevent the escape of gases from the drainage system into the mobile home.

(4) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended sources.

(5) "Backflow Connection" means any arrangement whereby blackflow can occur.

(6) "Backflow Preventer" means a device or means to prevent backflow.

(7) "Branch" means any part of the piping system other than a riser, main or stack.

(8) "Common Vent" means a vent connecting at the junction of fixture drains and serving as a vent for more than one fixture.

(9) "Continuous Vent" means a vertical vent that is a continuation of the drain to which it connects.

(10) "Continuous Waste" means a drain from two or more fixtures connected to a single trap.

(11) "Critical Level" means a point established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above the flood level rim of the fixture or receptacle served on which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or of any such approved or listed device shall constitute the critical level.

(12) "Cross Connection" means any physical connection or arrangement between two otherwise separate systems or sources, one of which contains potable water and the other either water, steam,

gas or chemical of unknown or questionable safety whereby there may be a flow from one system or source to the other, the direction of flow depending on the pressure differential between the two systems.

(13) "Developed Length" means that length of pipe measured along the center line of the pipe and fittings.

(14) "Diameter," unless otherwise specifically stated, means the nominal (inside) diameter designated commercially.

(15) "Drain" means a pipe that carries waste, water, or water-borne waste in a drainage system.

(16) "Drain Connector" means the removable extension, consisting of all pipes, fittings and appurtenances, from the drain outlet to the drain inlet serving the mobile home.

(17) "Drain Outlet" means the lowest end of the main or secondary drain to which a sewer connection is made.

(18) "Drainage System" means all piping within or attached to the structure that conveys sewage or other liquid waste to the drain outlet, not including the drain connector.

(19) "Fixture Drain" means the drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(20) "Fixture Supply" means the water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(21) "Flood-Level" means the level in the receptacle over which water would overflow to the outside of the receptacle.

(22) "Flooded" means the condition which results when the liquid in a container or receptacle rises to the flood-level.

(23) "Flush Tank" means that portion of a toilet that is designed to contain sufficient water to adequately flush the fixture.

(24) "Flush Valve" means a device located at the bottom of a flush tank for flushing a toilet.

(25) "Flushometer Valve" means a device which discharges a predetermined quantity of water to a fixture for flushing purposes and is closed by direct water pressure.

(26) "Grade" means the fall (slope) of a pipe in reference to a horizontal plane expressed in inches per foot length.

(27) "Horizonal Branch" means any pipe extending laterally, which receives the discharge from one or more fixture drains and connects to the main drain.

(28) "Horizontal Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the horizontal.

(29) "Individual Vent" means a pipe installed to vent a fixture drain.

(30) "Inlet Coupling" means the terminal end of the water system to which the water service connection is attached. It may be a swivel fitting or threaded pipe end.

(31) "Main" means the principal artery of the system to which branches may be connected.

(32) "Main Drain" means the lowest pipe of a drainage system which receives sewage from all the fixtures within a mobile home and conducts these wastes to the drain outlet.

(33) "Main Vent" means the principal artery of the venting system to which vent branches may be connected.

(34) "Offset" means a combination of pipe and/or fittings that brings one section of the pipe out of line but into a line parallel with the other section.

(35) "Pitch." See Grade.

(36) "Plumbing Fixtures" means receptacles, devices, or appliances which are supplied with water or which receive liquid or liquid-borne wastes for discharge into the drainage system.

(37) "Plumbing System" means the water supply and distribution pipes; plumbing fixtures, faucets and traps; soil, waste and vent pipes; and water-treating or water-using equipment.

(38) "Primary Vent." See Main Vent.

(39) "Relief Vent" means an auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(40) "Secondary Vent" means any vent other than the main vent or those serving each toilet.

(41) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(42) "Siphonage" means the loss of water seal from fixture traps resulting from partial vacuum in the drainage system which may be of either of the following two types, or a combination of the two: (a.) Self-siphonage resulting from vacuum in a fixture drain generated solely by the discharge of the fixture served by that drain, or, (b). Induced siphonage resulting from vacuum in the drainage system generated by the discharge of one or more fixtures other than the one under observation.

(43) "Toilet Drain" means that part of the drainage piping which receives the discharge from each individual toilet.

(44) "Trap" means a fitting or device designed and constructed to provide a liquid seal that will prevent the back passage of air without materially affecting the flow of liquid waste through it.

(45) "Trap Arm" means the portion of a fixture drain between a trap and its vent.

(46) "Trap Seal" means the vertical depth of liquid that a trap will retain.

(47) "Vacuum Breaker." See Backflow Preventer.

(48) "Vent Cap" means the device or fitting which protects the vent pipe from foreign substance with an opening to the atmosphere equal to the area of the vent it serves.

(49) "Vent System" means that part of a piping installation which provides circulation of air within a drainage system.

(50) "Vertical Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the vertical.

(51) "Water Connection" means the fitting or point of connection for the mobile home water distribution system designed for connection to a water supply.

(52) "Water Connector" means the removable extension connecting the mobile home water distribution system to the water supply.

(53) "Water Distribution System" means potable water piping within or permanently attached to the mobile home.

(54) "Wet Vent" means a vent which also serves as a drain for one or more fixtures.

(55) "Wet Vented Drainage System" means the specially designed system of drain piping that also vents one or more plumbing fixtures by means of a common waste and vent pipe.

§ 280.605 General requirements.

(a) *Minimum requirements.* Any plumbing system installed in a mobile home shall conform, at least, with the provisions of this subpart.

(1) *General.* The plumbing system shall be of durable material, free from defective workmanship, and so designed and constructed as to give satisfactory service for a reasonable life expectancy.

(2) *Conservation.* Water closets shall be selected and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

(3) *Connection to drainage system.* All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage shall be connected to the mobile home drainage system in a manner provided by this standard.

(4) *Workmanship.* All design, construction, and workmanship shall be in conformance with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this standard.

(5) *Components.* Plumbing materials, devices, fixtures, fittings, equipment, appliances, and accessories intended for use in or attached to a mobile home, and not shown in the Table in § 280.604, shall be listed or certified by an approved listing agency, or be specifically approved by the Department when listing by an approved listing agency is not available.

(6) *Prohibited fittings and practices.* (i) Drainage or vent piping shall not be drilled and tapped for the purpose of making connections. (ii) Except as specifically provided elsewhere in this standard, vent pipes shall not be used as waste or drain pipes. (iii) Fittings, connections, devices, or methods of installation that obstruct or retard the flow of sewage, or air in the drainage or venting systems in an amount greater than

the normal frictional resistance to flow shall not be used unless their use is acceptable in this standard or their use is accepted as having a desirable and acceptable function of ultimate benefit to the proper and continued functioning of the plumbing system. (iv) Cracks, holes, or other imperfections in materials shall not be concealed by welding, brazing, or soldering or by paint, wax, tar, or other leak-sealing or repairing agents. (v) Piping, fixtures or equipment shall be located so as not to interfere with the normal use or with the normal operation and use of windows, doors or other required facilities. (vi) Galvanized pipe shall not be bent or welded.

(7) *Alignment of fittings.* All valves, pipes, and fittings shall be installed in correct relationship to the direction of flow.

(b) *Protective requirements.* (1) Cutting structural members. Structural members shall not be unnecessarily or carelessly weakened by cutting or notching.

(2) *Exposed piping.* All piping, pipe threads, hangers, and support exposed to the weather, water, mud, and road hazard, and subject to damage therefrom, shall be painted, coated, wrapped, or otherwise protected from deterioration.

(3) *Road damage.* Pipes, supports, drains, outlets, or drain hoses shall not extend or protrude in a manner where they could be unduly subjected to damage during transit.

(4) *Freezing.* All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing, under normal occupancy. The manufacturer shall provide: (i) Written installation instructions for the method(s) required for compliance to this section; (ii) a statement in his installation instructions that if heat tape is used it shall be listed for use with mobile homes; (iii) a receptacle outlet conveniently located for the use of a heat tape and in compliance with § 280.806(b).

(5) All piping, except the fixture trap, shall be designed to allow drainage.

(6) *Rodent resistance.* All exterior openings around piping and equipment shall be sealed to resist the entrance of rodents.

(7) Piping and electrical wiring shall not pass through the same holes in walls, floors or roofs. Plastic piping shall not be exposed to heat in excess of manufacturers recommendation or radiation from heat producing appliances.

§ 280.604 Materials.

(a) *Minimum standards.* Materials, fixtures, or devices used or entering into the construction of plumbing systems in any mobile home shall be free from defects and shall conform to approved standards or to applicable standards in the following Table.

(b) *Specific usage.* Each of the sections following the Table indicates specifically the type of material presently permitted for use in the various parts of the plumbing system.

Materials	ANSI	ASTM	FS	Other standards
Ferrous pipe and fittings				
Cast iron screwed fittings	B16.4—1971			
Malleable iron screwed fittings	B16.3—1971			
Special cast iron fittings				IAPMO PS 5—1966
Welded wrought iron pipe	B36.2—1960	A72—1968		
Wrought steel and wrought iron pipe	B36.10—1970			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe.		A120—1972a		
Welded and seamless steel pipe	B125.1—1972	A53—1972a		
Pipe threads (except dry-seal)	B2.1—1968			
Cast iron soil piping and fittings	A112.5.1—1971	A74—1972	WW-P-401D—1969	
Nonferrous pipe and fittings				
Seamless copper, pipe, standard sizes	H26.1—1973	B42—1972		
Wrought seamless copper and copper alloy tube	H23.4—1973	B251—1971		
Seamless copper water tube	H23.1—1973	B88—1972		
Copper drainage tube (DWV)	H23.6—1973	B306—1973		
Wrought copper and bronze solder-joint pressure fittings	B16.22—1973			
Wrought copper and wrought copper alloy solder-joint drainage fittings.	B16.29—1966			
Cast brass solder-joint pressure fittings	B16.18—1972			
Cast bronze solder-joint drainage fittings—DWV	B16.23—1969			
Cast bronze fittings for flared copper tubes	B16.26—1967			
Seamless red brass pipe, standard sizes	H27.1—1973	B43—1972		
Cast bronze threaded fittings, 150 and 300 pound	B16.15—1971			
Plastic Pipe and Fittings				
ABS plastic drain, waste, and vent pipe and fittings		D2661—1973	L-P 322B—1973.	IAPMO PS 17-71 NSF 14—1970
PVC plastic drain, waste, and vent pipe and fittings		D2665—1973	L-P-320B—1973.	IAPMO PS 27-69 NSF-14—1970
Chlorinated poly (vinyl/chloride) (CPVC) plastic hot water distribution systems.		D2846—1973		NSF-14—1970
Polybutylene (PB) plastic pipe (SDR-PR)		D2662—1973		
Polybutylene (PB) plastic hot water distribution systems		D3309—1974		
Miscellaneous				
Pipe nipples, threaded			WW-N-351B(1)—1970.	
Rubber gaskets for cast iron soil pipe fittings		C564—1970		
Backflow prevention devices	A112.14.1—1975.			IAPMO PS 31—1971
Valve, bronze, gate 125—150 and 200 pound			WW-V-54D—1973.	
Valve, cast iron gate, threaded and flanged			WW-V-58B—1971.	
Plumbing—fixture-setting compound			HH-C-536A—1954.	
Cast brass and tubing P-traps				IAPMO PS 2—1966
Relief valves and automatic gas shutoff devices for hot water supply systems.	Z21.22 [1]—1971.			
Solvent cement for ABS plastic pipe and fittings		D2235—1973		NSF-14—1970
Solvent cement for PVC plastic pipe and fittings		D2564—1973		NSF-14—1970
Anti-siphon trap vent device				NSF-24
Diversion tees and twin waste elbow				IAPMO PS 9-66
Flexible copper water connectors				IAPMO PS 14—1971
Dishwater drain airgaps				IAPMO PS 23—1968
Coated flexible metal gas connectors for exterior use				IAPMO TSC 9—1972
Plumbing fixtures				
Plumbing fixtures for land use			WW-P-541D—1971	
Vitreous china plumbing fixtures	A112.19.2—1973			
Enameled cast iron plumbing	A112.19.1—1973			
Porcelain enameled formed steel plumbing fixtures				IAPMO TSC 22—1972
Formed metal porcelain-enameled sanitaryware				IAPMO PS 5—1967
Plastic bathtub units	Z124.1—1974			
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units.	Z124.2—1967			CS-243—1967
Stainless steel plumbing fixtures—residential use				NSF-24—1972
Drains for prefabricated and precast showers				IAMPO PS 4—1966 NSF-24—1972
Cultured marble lavatory				IAMPO PS 18—1973; CMI-LS 1-75
Performance specifications and methods of test for safety glazing material used in buildings.	Z97.1—1972			NSF-24—72

[1] With addenda.

§ 280.605 Joints and connections.

(a) *Tightness.* Joints and connections in the plumbing system shall be gastight and watertight for the pressures required under testing procedures.

(1) *Assembling of pipe.* All joints and connections shall be correctly assembled for tightness. Pipe threads shall be fully engaged with the threads of the fitting. Plastic pipe and copper tubing shall be inserted to the full depth of the solder cup or welding sockets of each fitting. Pipe threads and slip joints shall not be wrapped with string, paper, putty, or similar fillers.

(2) *Threaded joints.* Threads for screw pipe and fittings shall conform to the approved or listed standard. Pipe ends shall be reamed out to size of bore. All burrs, chips, cutting oil and foreign matter shall be removed. Pipe joint cement or thread lubricant shall be of approved type and applied to male threads only.

(3) *Solder joints.* Solder joints for tubing shall be made with approved or listed solder type fittings. Surfaces to be soldered shall be cleaned bright. The joints shall be properly fluxed with noncorrosive paste type flux and made with approved or listed 50–50 solder or an approved solder having a higher melting temperature.

(4) *Plastic pipe, fittings and joints.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with the provisions of a recognized, approved, or listed standard.

(5) *Union joints.* Metal unions in water piping shall have metal-to-metal ground seats.

(6) *Flared joints.* Flared joints for soft-copper water tubing shall be made with approved or listed fittings. The tubing shall be expanded with a proper flaring tool.

(7) *Cast iron soil pipe joints.* Approved or listed cast iron pipe may be joined as follows: (i) Approved or listed hubless pipe as per the manufacturer's recommendation. (ii) Hub and plain-end soil pipe may be joined by compression fittings per the manufacturer's recommendation.

§ 280.606 Traps and cleanouts.

(a) *Traps*—(1) *Traps required.* Each plumbing fixture, except listed toilets, shall be separately trapped by approved water seal "P" traps. All traps shall be effectively vented.

(2) *Dual fixtures.* A two-compartment sink, two single sinks, two lavatories, or a single sink and a single lavatory with waste outlets not more than 30 inches apart and in the same room and flood level rims at the same level may be connected to one "P" trap and may be considered as a single fixture for the purpose of drainage and vent requirements.

(3) *Prohibited traps.* A trap which depends for its seal upon concealed interior partitions shall not be used. Full "S" traps, bell traps, drum traps, crown-vented traps, and running traps are prohibited. Fixtures shall not be double-trapped.

(4) *Material and design.* Each trap shall be self-cleaning with a smooth and uniform interior waterway. Traps shall be manufactured of cast iron, cast brass, or drawn brass tubing of not less than No. 20 Brown and Sharpe gage, or approved or listed plastic, or other approved or listed material. Union joints for a trap shall be beaded to provide a shoulder for the union nut. Each trap shall have the manufacturer's name stamped or cast in the body of the trap, and each tubing trap shall show the gage of the tubing.

(5) *Trap seal.* Each "P" trap shall have a water seal of not less than 2 inches and not more than 4 inches and shall be set true to its seal.

(6) *Size.* Traps shall be not less than 1¼ inches in diameter. A trap shall not be larger than the waste pipe to which it is connected.

(7) *Location.* Each trap shall be located as close to its vent and to its fixture outlet as structural conditions will permit.

(8) *Length of tailpiece.* The vertical distance from a trap to the fixture outlet shall not exceed 24 inches.

(9) *Installation.* (i) *Grade of trap arm.* The piping between a "P" trap and the fixture tee or the vented waste line shall be graded ¼ inch per foot towards the vent and in no event shall have a slope greater than its diameter. The vent opening at fixture tees shall not be below the weir of the "P" trap outlet. (ii) *Trap arm offset.* The piping between the "P" trap and vent may change direction or be offset horizontally with the equivalent of no more than 180 degrees total change in direction with a maximum of 90 degrees by any one fitting. (iii) *Concealed traps.* Traps with mechanical joints shall be accessible for repair and inspection. (iv) *Removability of Traps, Etc.* Traps shall be designed and installed so the "U" bend is removable without removing the strainers from the fixture. Continuous waste and tail pieces which are permanently attached to the "U" bend shall also be removable without removing the strainer from the fixture.

(b) *Cleanout openings*—(1) *Location of cleanout fittings.* (i) Cleanouts shall be installed if the drainage system cannot be cleaned through fixtures, drains, or vents. Cleanouts shall also be provided when fittings of more than 45 degrees are used to affect an offset except where long turn ells are used which provide sufficient "sweep" for cleaning. (ii) A full size cleanout shall be installed at the upper end of any section of drain piping which does not have the required minimum slope of ¼ inch per foot grade. (iii) A cleaning tool shall not be required to pass through more than 360 degrees of fittings, excluding removable "P" traps, to reach any part of the drainage system.

(2) *Access to cleanouts.* Cleanouts shall be accessible through an unobstructed minimum clearance of 12 inches directly in front of the opening. Each cleanout fitting shall open in a direction opposite to the flow or at right angles to the pipe. Concealed cleanouts that are not provided with access covers shall be extended to a point above the floor or outside of the mobile home, with pipe and fittings installed, as required, for drainage piping without sags and pockets.

(3) *Material.* Plugs and caps shall be brass or approved or listed plastic, with screw pipe threads.

(4) *Design.* Cleanout plugs shall have raised heads except that plugs at floor level shall have counter-sunk slots.

§ 280.607 Plumbing fixtures.

(a) *General requirements*—(1) *Quality of fixtures.* Plumbing fixtures shall have smooth impervious surfaces, be free from defects and concealed fouling surfaces, be capable of resisting road shock and vibration, and shall conform in quality and design to listed standards. Fixtures shall be permanently marked with the manufacturer's name.

(2) *Strainers.* The waste outlet of all plumbing fixtures, other than toilets, shall be equipped with a drain fitting that will provide an adequate unobstructed waterway.

(3) *Fixture connections.* Fixture tailpieces and continuous wastes in exposed or accessible locations shall be not less than No. 20 Brown and Sharpe gage seamless drawn-brass tubing or other approved pipe or tubing materials. Inaccessible fixture connections shall be constructed according to the requirements for drainage piping. Each fixture tailpiece, continuous waste, or waste and overflow shall be not less than 1½ inches for sinks of two or more compartments, dishwashers, clothes washing machines, laundry tubs, bath tubs, and not less than 1¼ inches for lavatories and single compartment sinks having a 2 inch maximum drain opening.

(4) *Concealed connections.* Concealed slip joint connections shall be provided with adequately sized unobstructed access panels and shall be accessible for inspection and repair.

(5) *Directional fitting.* An approved or listed "Y" or other directional-type branch fitting shall be installed in every tailpiece or continuous waste that receives the discharge from food waste disposal units, dishwashing, or other force-discharge fixture or appliance. (See also § 280.607(b)(4)(ii).)

(b) *Fixtures.* (1) *Spacing.* All plumbing fixtures shall be so installed with regard to spacing as to be reasonably accessible for their intended use.

(2) *Toilets.* (i) Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl at each operation of the flushing mechanism. (ii) Toilet flushing devices shall be designed to replace the water seal in the bowl after each operation. Flush valves, flushometer valves, and ball cocks shall operate automatically to shut off at the end of each flush or when the tank is filled to operating capacity. (iii) Flush tanks shall be fitted with an overflow pipe large enough to prevent flooding at the maximum flow rate of the ball cock. Overflow pipes shall discharge into the toilet, through the tank. (iv) Toilets

that have fouling surfaces that are not thoroughly washed at each discharge shall be prohibited. Any toilet that might permit the contents of the bowl to be siphoned back into the water system shall be prohibited. (v) Floor connection. Toilets shall be securely bolted to an approved flange or other approved fitting which is secured to the floor by means of corrosion-resistant screws. The bolts shall be of solid brass or other corrosion-resistant material and shall be not less than ¼ inch in diameter. A watertight seal shall be made between the toilet and flange or other approved fitting by use of a gasket or sealing compound.

(3) *Shower compartment.* (i) Each compartment stall shall be provided with an approved watertight receptor with sides and back extending at least 1 inch above the finished dam or threshold. In no case shall the depth of a shower receptor be less than 2 inches or more than 9 inches measured from the top of the finished dam or threshold to the top of the drain. The wall area shall be constructed of smooth, noncorrosive, and nonabsorbent waterproof materials to a height not less than 6 feet above the bathroom floor level. Such walls shall form a watertight joint with each other and with the bathtub, receptor or shower floor. The floor of the compartment shall slope uniformly to the drain at not less than one-fourth nor more than one-half inch per foot. (ii) The joint around the drain connection shall be made watertight by a flange, clamping ring, or other approved listed means. (iii) Shower doors and tub and shower enclosures shall be constructed so as to be waterproof and, if glazed, glazing shall comply with the Standard for Transparent Safety Glazing Material used in Buildings (ANSI Z97.1–1972). (iv) Prefabricated plumbing fixtures shall be approved or listed.

(4) *Dishwashing machines.* (i) Dishwashing machine shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine. The drain connection from the air gap may connect to an individual trap, to a directional fitting installed in the sink tailpiece, or to the opening provided on the inlet side of a food waste disposal unit. (ii) Drain from a dishwashing machine shall not be connected to a sink tailpiece, continuous waste line, or trap on the discharge side of a food waste disposal unit.

(5) *Clothes washing machines.* (i) Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub. (ii) Standpipes shall be 1½ inches minimum nominal iron pipe size, 1½ inches diameter nominal brass tubing not less than No. 20 Brown and Sharpe gage, or 1½ inches approved plastic materials. Receptors shall discharge into a vented trap or shall be connected to a laundry tub tailpiece by means of an approved or listed directional fitting. Each standpipe shall extend not less than 18 inches or more than 30 inches above its trap and shall terminate in an accessible location no lower than the top of clothes washing machine. A removable tightfitting cap or plug shall be installed on the standpipe when clothes washer is not provided. (iii) Clothes washing machine drain shall not be connected to the tailpiece, continuous waste, or trap of any sink or dishwashing machine.

(c) *Installation.* (1) *Access.* Each plumbing fixture and standpipe receptor shall be located and installed in a manner to be accessible for usage, cleaning, repair and replacement.

(2) *Alignment.* Fixtures shall be set level and in true alignment with adjacent walls. Where practical, piping from fixtures shall extend to nearest wall.

(3) *Brackets.* Wall-hung fixtures shall be rigidly attached to walls by metal brackets or supports without any strain being transmitted to the piping connections. Flush tanks shall be securely fastened to toilets or to the wall with corrosive-resistant materials.

(4) *Tub supports.* Bathtub rims at wall shall be supported on meal hangers or on end-grain wood blocking attached to the wall unless otherwise recommended by the manufacturer of the tub.

§ 280.608 Hangers and supports.

(a) *Strains and stresses.* Piping in a plumbing system shall be installed without undue strains and stresses, and provision shall be made for expansion, contraction, and structural settlement.

(b) *Piping supports.* Piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe and contents. Unless otherwise stated in the standards for specific materials shown in the Table in § 280.604(a), or unless specified by the pipe manufacturer, plastic drainage piping shall be supported at intervals not to exceed 4 feet and plastic water piping shall be supported at intervals not to exceed 3 feet.

(c) *Hangers and anchors.* (1) Hangers and anchors shall be of sufficient strength to support their proportional share of the pipe alignments and prevent rattling.

(2) Piping shall be securely attached to the structure by hangers, clamps, or brackets which provide protection against motion, vibration, road shock, or torque in the chassis.

(3) Hangers and straps supporting plastic pipe shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe.

§ 280.609 Water distribution system.

(a) *Water supply.* (1) *Supply piping.* Piping systems shall be sized to provide an adequate quantity of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage (See Table in § 280.609(f)(1)). The manufacturer shall include in his written installation instructions that the mobile home has been designed for an inlet water pressure of 80 psi, and a statement that when the mobile home is to be installed in areas where the water pressure exceeds 80 psi, a pressure reducing valve should be installed.

(2) *Hot water supply.* Each mobile home equipped with a kitchen sink, and bathtub and/or shower shall be provided with a hot water supply system including a listed water heater.

(b) *Water outlets and supply connections.* (1) *Water connection.* Each mobile home with a water distribution system shall be equipped with a ¾-inch threaded inlet connection located within the rear half of the length of the mobile home. This connection shall be tagged or marked "Fresh Water Connection" (or "Fresh Water Fill"). A matching cap or plug shall be provided to seal the water inlet when it is not in use, and shall be permanently attached to the mobile home or water supply piping. When a master cold water shutoff full flow valve is not installed on the main feeder line in an accessible location, the manufacturer's installation instructions shall indicate that such a valve is to be installed in the water supply line adjacent to the home. When a mobile home includes expandable rooms or is composed of two or more units, fittings or connectors designed for such purpose shall be provided to connect any water piping. When not connected, the water piping shall be protected by means of matching threaded caps or plugs.

(2) *Prohibited connections.* (i) The installation of potable water supply piping or fixture or appliance connections shall be made in a manner to preclude the possibility of backflow. (ii) No part of the water system shall be connected to any drainage or vent piping.

(3) *Rim outlets.* The outlets of faucets, spouts, and similar devices shall be spaced at least 1 inch above the flood level of the fixture.

(4) *Appliance connections.* Water supplies connected to clothes washing or dishwashing machines shall be protected by an approved or listed fixed air gap provided within the appliance by the manufacturer.

(5) *Flushometer valves or manually operated flush valves.* An approved or listed vacuum breaker shall be installed and maintained in the water supply line on the discharge side of a toilet flushometer valve or manually operated flush valve. Vacuum breakers shall have a minimum clearance of 6 inches above the flood level of the fixture to the critical level mark unless otherwise permitted in their approval.

(6) *Flush tanks.* Toilet flush tanks shall be equipped with an approved or listed anti-siphon ball cock which shall be installed and maintained with its outlet or critical level mark not less than 1 inch above the full opening of the overflow pipe.

(c) *Water heater safety devices.* (1) *Relief valves.* (i) All water heaters shall be installed with approved and listed fully-automatic valve or valves designed to provide temperature and pressure relief. (ii) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose shall have the temperature sensing element

immersed in the hottest water within the upper 6 inches of the tank. It shall be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank whichever is lower and at or below a water temperature of 210° F. (iii) Relief valves shall be provided with full-sized drains, with cross sectional areas equivalent to that of the relief valve outlet, which shall be directed downward and discharge beneath the mobile home. Drain lines shall be of a material listed for hot water distribution and shall drain fully by gravity, shall not be trapped, and shall not have their outlets threaded, and the end of the drain shall be visible for inspection.

(d) *Materials.* (1) Piping material. Water pipe shall be of standard weight brass, galvanized wrought iron, galvanized steel, Type K, L or M copper tubing, approved or listed plastic or other approved or listed material. (i) Plastic Piping. All plastic water piping and fittings in mobile homes must be approved or listed for use with hot water.

(2) *Fittings.* Appropriate fittings shall be used for all changes in size and where pipes are joined. The material and design of fittings shall conform to the type of piping used. Special consideration shall be given to prevent corrosion when dissimilar metals are joined. (i) Fittings for screw piping shall be standard weight galvanized iron for galvanized iron and steel pipe, and of brass for brass piping. They shall be installed where required for change in direction, reduction of size, or where pipes are joined together. (ii) Fittings for copper tubing shall be cast brass or drawn copper (sweat-soldered) or shall be approved or listed fittings for the purpose intended.

(3) *Prohibited material.* Used piping materials shall not be permitted. Those pipe dopes, solder fluxes, oils, solvents, chemicals, or other substances that are toxic, corrosive, or otherwise detrimental to the water system shall not be used.

(e) *Installation of piping.* (1) *Minimum requirement.* All piping equipment, appurtenances, and devices shall be installed in workmanlike manner and shall conform with the provisions and intent of this standard.

(2) *Screw pipe.* Iron pipe-size brass or galvanized iron or steel pipe fittings shall be joined with approved or listed standard pipe threads fully engaged in the fittings. Pipe ends shall be reamed to the full bore of the pipe. Pipe-joint compound shall be insoluble in water, shall be nontoxic and shall be applied to male threads only.

(3) *Solder fittings.* Joints in copper water tube shall be made by the appropriate use of approved cast brass or wrought copper fittings, properly soldered together. The surface to be soldered shall be thoroughly cleaned bright mechanically. The joints shall be properly fluxed and made with approved solder.

(4) *Flared fittings.* A flaring tool shall be used to shape the ends of flared tubing to match the flare of fittings.

(5) *Plastic pipe and fittings.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with provisions of a listed standard.

(f) *Size of water supply piping*—(1) *Minimum size.* The size of water supply piping and branch lines shall not be less than sizes shown in the following Table:

Minimum size tubing and pipe for water distribution systems

Number of fixtures	Tubing (nominal)		Pipe iron pipe size (inches)
	Diameter (inches)	Outer diameter (inches)	
1	*¾	⅞	¼
2	⅞	1⅛	⅜
3	1	1⅜	½
4	1¼	1⅝	¾
5 or more	1½	1⅞	1

* 6 ft maximum length.

Exceptions to table: ⅜ inch nominal diameter or ½ inch OD minimum size for clothes washing or dishwashing machines, unless larger size is recommended by the fixture manufacturer. ½ inch nominal diameter or ⅝ inch OD minimum size for flushometer or metering type valves unless otherwise specified in their listing. No galvanized screw piping shall be less than ½ inch iron pipe size.

(2) *Sizing procedure.* Both hot and cold water piping systems shall be computed by the following method: (i) *Size of branch.* Start at the most remote outlet on any branch of the hot or cold water piping and progressively count towards the water service connection, computing the total number of fixtures supplied along each section of piping. Where branches are joined together, the number of fixtures on each branch shall be totalled so that no fixture is counted twice. Following down the left-hand column of the preceding Table a corresponding number of fixtures will be found. The required pipe or tubing size is indicated in the other columns on the same line. (ii) A water heater, food waste disposal unit, evaporative cooler or ice maker shall not be counted as a water-using fixture when computing pipe sizes.

(g) *Line valves.* Valves, when installed in the water supply distribution system (except those immediately controlling one fixture supply) and when fully opened, shall have a cross-sectional area of the smallest orifice or opening, through which the water flows, at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

§ 280.610 Drainage systems.

(a) *General.* (1) Each fixture directly connected to the drainage system shall be installed with a water seal trap (§ 280.606(a)).

(2) The drainage system shall be designed to provide an adequate circulation of air in all piping with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

(b) *Materials*—(1) *Pipe.* Drainage piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron, or other listed or approved materials.

(2) *Fittings.* Drainage fittings shall be recessed drainage pattern with smooth interior waterways of the same diameter as the piping and shall be of a material conforming to the type of piping used. Drainage fittings shall be designed to provide for a ¼ inch per foot grade in horizontal piping. (i) Fittings for screw pipe shall be cast iron, malleable iron, brass, or listed plastic with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Socket-type fittings for plastic piping shall comply with listed standards. (iv) Brass or bronze adaptor or wrought copper fittings shall be used to join copper tubing to threaded pipe.

(c) *Drain outlets*—(1) *Location of drain.* Each mobile home shall have only one drain outlet which shall terminate in the rear half section.

(2) *Clearance from drain outlet.* The drain outlet shall be provided with a minimum clearance of 3 inches in any direction from all parts of the structure or appurtenances and with not less than 18 inches unrestricted clearance directly in front of the drain outlet.

(3) *Drain connector.* The drain connector shall not be smaller than the piping to which it is connected and shall be equipped with a water-tight cap or plug matching the drain outlet. The cap or plug shall be permanently attached to the mobile home or drain outlet.

(4) The drain outlet and drain connector shall not be less than 3 inches inside diameter.

(5) Preassembly of drain lines. Drain lines, provided by the manufacturer, located under the mobile home, designed to bring the drain system to one distribution point and which may be damaged in transit, must be designed for proper site assembly.

(d) *Fixture connections.* Drainage piping shall be provided with approved or listed inlet fittings for fixture connections, correctly located according to the size and type of fixture to be connected.

(1) *Toilet connection.* The drain connection for each toilet shall be 3 inches minimum inside diameter and shall be fitted with an iron, brass, or listed plastic floor flange adaptor ring securely screwed, soldered or otherwise permanently attached to the drain piping, in an approved manner and securely fastened to the floor.

(e) *Size of drainage piping*—(1) *Fixture load.* Except as provided b y§ 280.611 (d)(2), drain pipe sizes shall be determined by the type of fixture and the total number connected to each drain. (i) A 1½ inch minimum diameter piping shall be required for one and not more than three individually vented fixtures. (ii) A 2-inch minimum diameter piping shall be required for four or more fixtures individually vented. (iii) A 3-inch minimum diameter piping shall be required for toilets.

(f) *Wet-vented drainage system.* Plumbing fixture traps may connect into a wet-vented drainage system which shall be designed and installed to accom-

modate the passage of air and waste in the same pipe.

(1) *Horizontal piping.* All parts of a wet-vented drainage system, including the connected fixture drains, shall be horizontal except for wet-vented vertical risers which shall terminate with a 1½ inch minimum diameter continuous vent. Where required by structural design, wet-vented drain piping may be offset vertically when other vented fixture drains or relief vents are connected to the drain piping at or below the vertical offsets.

(2) *Size.* A wet-vented drain pipe shall be 2 inches minimum diameter and at least one pipe size larger than the largest connected trap or fixture drain. Not more than three fixtures may connect to a 2-inch diameter wet-vented drain system.

(3) *Length of trap arm.* Fixture traps shall be located within the distance given in § 280.611(c)(5). Not more than one trap shall connect to a trap arm.

(g) *Offsets and branch fittings*—(1) *Changes in direction.* Changes in direction of drainage piping shall be made by the appropriate use of approved or listed fittings, and shall be of the following angles: 11¼, 22½, 45, 60, or 90 degrees; or other approved or listed fittings or combination of fittings with equivalent radius or sweep.

(2) *Horizontal to vertical.* Horizontal drainage lines, connecting with a vertical pipe shall enter through 45-degree "Y" branches, 60-degree "Y" branches, long-turn "TY" branches, sanitary "T" branches, or other approved or listed fittings or combination of fittings having equivalent sweep. Fittings having more than one branch at the same level shall not be used, unless the fitting is constructed so that the discharge from any one branch cannot readily enter any other branch. However, a double sanitary "T" may be used when the drain line is increased not less than two pipe sizes.

(3) *Horizontal to horizontal and vertical to horizontal.* Horizontal drainage lines connecting with other horizontal drainage lines or vertical drainage lines connected with horizontal drainage lines shall enter through 45-degree "Y" branches, long-turn "TY" branches, or other approved or listed fittings or combination of fittings having equivalent sweep.

(h) Grade of Horizontal Drainage Piping. Except for fixture connections on the inlet side of the trap, horizontal drainage piping shall be run in practical alignment and have a uniform grade of not less than ¼ inch per foot toward the mobile home drain outlet. Where it is impractical, due to the structural features or arrangement of any mobile home, to obtain a grade of ¼ inch per foot, the pipe or piping may have a grade of not less than ⅛ inch per foot, when a full size cleanout is installed at the upper end.

§ 280.611 Vents and venting.

(a) *General.* Each plumbing fixture trap shall be protected against siphonage and back pressure, and air circulation shall be ensured throughout all parts of the drainage system by means of vents installed in accordance with the requirements of this section and as otherwise required by this standard.

(b) *Materials*—(1) *Pipe.* Vent piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron or other approved or listed materials.

(2) *Fittings.* Appropriate fittings shall be used for all changes in direction or size and where pipes are joined. The material and design of vent fittings shall conform to the type of piping used. (i) Fittings for screw pipe shall be cast iron, malleable iron, plastic, or brass, with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Fittings for plastic piping shall be made to approved applicable standards. (iv) Brass adaptor fittings or wrought copper shall be used to join copper tubing to threaded pipe. (v) Listed rectangular tubing may be used for vent piping only providing it has an open cross section at least equal to the circular vent pipe required. Listed transition fittings shall be used.

(c) *Size of vent piping*—(1) *Main vent.* The drain piping for each toilet shall be vented by a 1½ inch minimum diameter vent or rectangular vent of venting cross section equivalent to or greater than the venting cross section of a 1½ inch diameter vent, connected to the main drain by one of the following methods: (i) A 1½ inch diameter (min.) individual vent pipe or equivalent directly connected to the toilet drain within the distance allowed in § 280.611(c)(5), for 3-inch trap arms undiminished in size through the roof, (ii) A 1½ inch diameter (min.) continuous vent, or equivalent, indirectly connected to the toilet drain piping through a 2-inch wet-vented drain that carries the waste of not more than one fixture, or, (iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the main drain. At least one of the drains shall connect downstream from the toilet within the distance allowed in § 280.611(c)(5) for 3-inch trap arms.

(2) *Individual Vents.* Each individually vented fixture with a 1½ inch or smaller trap shall be provided with a vent pipe equivalent in area to a 1¼ inch nominal pipe size. The main vent, toilet vent and relief vent, and the continuous vent of wet-vented systems shall have an area equivalent to 1½ inch nominal pipe size.

(3) *Common Vent.* When two fixture traps located within the distance allowed from their vent have their trap arms connected separately at the same level into an approved double fitting, an individual vent pipe may serve as a common vent without any increase in size.

(4) *Intersecting Vents.* Where two or more vent pipes are joined together, no increase in size shall be required; however, the largest vent pipe shall extend full size through the roof.

(5) Distance of fixture trap from vent shall not exceed the values given in the following Table:

Maximum Distance of Fixtures From Vent Trap

Size of fixture drain (inches)	*Distance trap to vent*
1¼	4 ft. 6 in.
1½	4 ft 6 in.
2	5 ft.
3	6 ft.

(d) *Anti-siphon trap vent.* An anti-siphon trap vent may be used as a secondary vent system for plumbing fixtures protected by traps not larger than 1½ inches, when installed in accordance with the manufacturers' recommendations and the following conditions: (i) Not more than two fixtures individually protected by the device shall be drained by a common 1½ inch drain. (ii) Minimum drain size for three or more fixtures individually protected by the device shall be 2 inches. (iii) A primary vent stack must be installed to vent the main drain at the point of heaviest drainage fixture unit loading. (iv) The device shall be installed in a location that permits a free flow of air and shall be accessible for inspection, maintenance, and replacement and the sealing function shall be at least 6 inches above the top of the trap arm. (v) Materials for the anti-siphon trap vent shall be as follows: cap and housing shall be listed acrylonitrile-butadiene styrene, DWV grade; stem shall be DWV grade nylon or acetal; spring shall be stainless steel wire, type 302; sealing disc shall be neoprene, conforming to ASTM C 564–70, or, silicone rubber, low and high temperature and tear resistant, conforming to F.S. ZZ–R–765B and MIL–L–10547.

(e) *Grade and connections*—(1) *Horizontal vents.* Each vent shall extend vertically from its fixture "T" or point of connection with the waste piping to a point not less than 6 inches above the extreme flood level of the fixture it is venting before offsetting horizontally or being connected with any other vent pipe. Vents for horizontal drains shall connect above the centerline of the drain piping ahead (downstream) of the trap. Where required by structural conditions, vent piping may offset below the rim of the fixture at the maximum angle or height possible.

(f) *Vent terminal.*—(1) *Roof extension.* Each vent pipe shall extend through its flashing and terminate vertically, undiminished in size, not less than 2 inches above the roof. Vent openings shall not be less than 3 feet away from any motor-driven air intake that opens into habitable areas.

(2) *Flashing.* The opening around each vent pipe shall be made watertight by an adequate flashing or flashing material.

(g) *Vent caps.* Vent caps, if provided, shall be of the removable type (without removing the flashing from the roof). When vent caps are used for roof space ventilation and the caps are identical to vent caps used for the plumbing system,

plumbing system caps shall be identified with permanent markings.

§ 280.612 Test and inspection.

(a) *Water system.* All water piping in the water distribution system shall be subjected to a pressure test. The test shall be made by subjecting the system to air or water at 10 psi for 15 minutes without loss of pressure.

(b) *Drainage and vent system and plumbing fixtures.* The waste and vent system shall be tested by one of the three following alternate methods for evidence or indication of leakage:

(1) *Water test.* Before plumbing fixtures are connected, all of the openings into the piping shall be plugged and the entire piping system subjected to a static water test for 15 minutes by filling it with water to the top of the highest vent opening. There shall be no evidence of leakage.

(2) *Air test.* After all fixtures have been installed, the traps filled with water, and the remaining openings securely plugged, the entire system shall be subjected to a 2-inch (manometer) water column air pressure test. If the system loses pressure, leaks may be located with smoke pumped into the system, or with soap suds spread on the exterior of the piping (Bubble test).

(3) *Flood level test.* The mobile home shall be in a level position, all fixtures shall be connected, and the entire system shall be filled with water to the rim of the toilet bowl. (Tub and shower drains shall be plugged). After all trapped air has been released, the test shall be sustained for not less than 15 minutes without evidence of leaks. Then the system shall be unplugged and emptied. The waste piping above the level of the toilet bowl shall then be tested and show no indication of leakage when the high fixtures are filled with water and emptied simultaneously to obtain the maximum possible flow in the drain piping.

(c) *Fixture test.* The plumbing fixtures and connections shall be subjected to a flow test by filling them with water and checking for leaks and retarded flow while they are being emptied.

(d) *Shower compartments.* Shower compartments and receptors shall be tested for leaks prior to being covered by finish material. Each pan shall be filled with water to the top of the dam for not less than 15 minutes.

Subpart H—Heating, Cooling and Fuel Burning Systems

§ 280.701 Scope.

Subpart H of this standard covers the heating, cooling and fuel burning equipment installed within, on, or external to a mobile home.

§ 280.702 Definitions.

(a) The definitions in this subpart apply to Subpart H only.

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require the removal of an access panel, door or similar obstruction.

(2) "Air Conditioner Blower Coil System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and evaporator section with circulating blower attached to the mobile home air supply duct system. Provision must be made for a return air system to the evaporator/blower section. Refrigerant connection between the two parts of the system is accomplished by tubing.

(3) "Air Conditioner Split System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and the evaporator section incorporated into the heating appliance or with a separate blower/coil section within the mobile home. Refrigerant connection between the two parts of the system is accomplished by tubing.

(4) "Air Conditioning Condenser Section" means that portion of a refrigerated air cooling or (in the case of a heat pump) heating system which includes the refrigerant pump (compressor) and the external heat exchanger.

(5) "Air Conditioning Evaporator Section" means a heat exchanger used to cool or (in the case of a heat pump) heat air for use in comfort cooling (or heating) the living space.

(6) "Air Conditioning Self Contained System" means a comfort cooling appliance combining the condenser section, evaporator and air circulating blower into one unit with connecting ducts for the supply and return air systems.

(7) "Air Duct" means conduits or passageways for conveying air to or from heating, cooling, air conditioning or ventilation equipment, but not including the plenum.

(8) "Automatic Pump (Oil Lifter)" means a pump, not an integral part of the oil-burning appliance, that automatically pumps oil from the supply tank and delivers the oil under a constant head to an oil-burning appliance.

(9) "Btu. British Thermal Units" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

(10) "Btuh" means British thermal units per hour.

(11) "Burner" means a device for the final conveyance of fuel or a mixture of fuel and air to the combustion zone.

(12) "Central Air Conditioning System" means either an air conditioning split system or an external combination heating/cooling system.

(13) "Class 0 Air Ducts" means ducts of materials and connectors having a fire-hazard classification of zero.

(14) "Class 1 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 25 without evidence of continued progressive combustion and a smoke-developed rating of not over 50.

(15) "Class 2 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 50 without evidence of continued progressive combustion and a smoke-developed rating of not over 50 for the inside surface and not over 100 for the outside surface.

(16) "Clearance" means the distance between the appliance, chimney, vent, chimney or vent connector or plenum and the nearest surface.

(17) "Connector—Gas Appliance" means a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliance, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room with the outlet.

(18) "Energy Efficiency Ratio (EER)" means the ratio of the cooling capacity output of an air conditioner for each unit of power input.

$$EER=\frac{\text{Capacity (Btuh)}}{\text{Power Input (watts)}}$$

(19) "External Combination Heating/Cooling System" means a comfort conditioning system placed external to the mobile home with connecting ducts to the mobile home for the supply and return air systems.

(20) "Factory-Built Fireplace" means a hearth, fire chamber and chimney assembly composed of listed factory-built components assembled in accordance with the terms of listing to form a complete fireplace.

(21) "Fireplace Stove" means a chimney connected solid fuel-burning stove having part of its fire chamber open to the room.

(22) "Fuel Gas Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel gas to the appliance(s).

(23) "Fuel Oil Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel oil to the appliance(s).

(24) "Gas Clothes Dryer" means a device used to dry wet laundry by means of heat derived from the combustion of fuel gases.

(25) "Gas Refrigerator" means a gas-burning appliance which is designed to extract heat from a suitable chamber.

(26) "Gas Supply Connection" means the terminal end or connection to which a gas supply connector is attached.

(27) "Gas Supply Connector, Mobile Home" means a listed flexible connector designed for connecting the mobile home to the gas supply source.

(28) "Gas Vents" means factory-built vent piping and vent fittings listed by an approved testing agency, that are assembled and used in accordance with the terms of their listings, for conveying flue gases to the outside atmosphere. (i) "Type B Gas Vent" means a gas vent for venting gas appliances with draft hoods

and other gas appliances listed for use with Type B Gas Vents. (ii) "Type BW Gas Vent" means a gas vent for venting listed gas-fired vented wall furnaces.

(29) "Heat Producing Appliance" means all heating and cooking appliances and fuel burning appliances.

(30) "Heating Appliance" means an appliance for comfort heating or for domestic water heating.

(31) Liquefied Petroleum Gases." The terms "Liquefied petroleum gases," "LPG" and "LP-Gas" as used in this standard shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene butanes (normal butane or isobutane), and butylenes.

(32) "Plenum" means an air compartment which is part of an air-distributing system, to which one or more ducts or outlets are connected. (i) Furnace supply plenum is a plenum attached directly to, or an integral part of, the air supply outlet of the furnace. (ii) Furnace return plenum is a plenum attached directly to, or an integral part of, the return inlet of the furnace.

(33) "Quick-Disconnect Device" means a hand-operated device which provides a means for connecting and disconnecting a gas supply or connecting gas systems and which is equipped with an automatic means to shut off the gas supply when the device is disconnected.

(34) "Readily Accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(35) "Roof Jack" means that portion of a mobile home heater flue or vent assembly, including the cap, insulating means, flashing, and ceiling plate, located in and above the roof of a mobile home.

(36) "Sealed Combustion System Appliance" means an appliance which by its inherent design is constructed so that all air supplied for combustion, the combustion system of the appliance, and all products of combustion are completely isolated from the atmosphere of the space in which it is installed.

(37) "Water Heater" means an appliance for heating water for domestic purposes other than for space heating.

§ 280.703 Minimum standards.

Heating, cooling and fuel burning appliances and systems in mobile homes shall be free of defects and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 280.4).

Type	ANSI	UL	Other standards
Appliances:			
Air conditioners, central cooling		465	
Liquid fuel-burning heating appliances for mobile homes and travel trailers.	A147.1—1969	307(A)—1969	
Electric Air Heater		1025	
Electric Baseboard Heating Equipment		1042	
Electric Central Air-Heating Equipment	1096		
Gas-heating appliances for mobile homes and travel trailers.		307(b)—1965	
Gas clothes dryers	Z21.5.1—1972		
	Z21.5.1a—1973		
	Z21.5.1b—1974		
Commercial gas-fired and electrically-heated hot water generating equipment.			NSF-5—1969
Gas-fired absorption summer air conditioning appliances.	Z21.40.1—1973		
	Z21.40.1b—1974		
Gas-fired gravity and forced air central furnaces	Z21.47—1973		
	Z21.47a—1974		
Gas-fired gravity and fan-type sealed combustion system wall furnaces.	Z21.44—1973		
	Z21.44a—1974		
	Z21.44b—1975		
Commercial cooking and warming equipment			NSF-4—1967
Household cooking gas appliances	Z21.1—1972		
	Z21.1a—1974		
Refrigerators using gas fuel	Z21.19—1971		
	Z21.19a—1972		
	Z21.19b—1973		
Automatic storage type water heaters with input less than 75,000 Btu/h.	Z21.10.1—1974		
	Z21.10.1a—1975		
Heating equipment, electric central air		1096	
Heat pumps		559	
Ferrous pipe and fittings:			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe for ordinary uses.			ASTM A120—1972a; WW-P-406D—1973
Electric-resistance welded coiled steel tubing for gas and fuel oil lines.			ASTM A539—1973
Pipe threads	B2.1—1968		
Wrought steel and wrought iron pipe	B36.10—1970		
Nonferrous pipe, tubing, and fittings:			
Seamless copper water tube			ASTM B88—1972
Seamless copper tube for air conditioning and refrigeration field service.			ASTM B280—1973
Metal connectors for gas appliances	Z21.24—1973		
Manually operated gas valves	Z21.15—1974		
Trailer standard for coated flexible metal gas connectors for exterior use.			IAPMO TSC 9—1972
Wrought seamless copper and copper alloy tube			ASTM B251—1971
Seamless copper pipe, standard size			ASTM B42—1972, WW-P-377D—1962
Miscellaneous:			
Air ducts		181—1972	
Flame tests of flame-resistant fabrics		214—1971	
Tube fittings for flammable and combustible fluids and refrigeration service.		109—1972	
LPG containers and accessories			ASME, DOT
Pigtails, expansion coils, and flexible hose connectors for liquified petroleum gas.		569—1973	
Roof jacks for trailer coaches		311—1971	
Relief valves and automatic gas shutoff devices for hot water supply systems.	Z21.22—1971		
	Z21.22a—1972		
	Z21.22b—1974		
Automatic gas ignition systems and components	Z21.20—1971		
	Z21.20a—1972		
	Z21.20b—1974		
Automatic valves for gas appliances	Z21.21—1974		
Gas appliance thermostats	A21.23—1971		
	Z21.23a—1972		
	Z21.23b—1974		
Gas vents	A131.2—1973	441—1973	
Factory-built chimneys	A131.1—1971	103—1971	
Factory-built fireplaces	A131.3—1971	127—1971	GAL
Installation of oil burning equipment	A95.1—1974		NFPA No. 31—1974
Installation of gas appliances, gas piping in buildings	Z223.1—1974		NFPA No. 54—1974
Resident type warm air heating and air conditioning			NFPA No. 90B—1973
Tests for flammability of plastic materials for parts in devices and appliances.		94—1974	
Storage and handling of liquefied petroleum gas	A106.1—1974		NFPA No. 58—1974

§ 280.704 Fuel supply systems.

(a) *LP-Gas system design and service line pressure*—(1) Systems shall be of the vapor-withdrawal type.

(2) Gas, at a pressure not over 14 inches water column (½ psi), shall be delivered from the system into the gas supply connection.

(b) *LP-Gas Containers*—(1) *Maximum capacity.* No more than two containers having an individual water capacity of not more than 105 pounds (approximately 45 pounds LP-Gas capacity), shall be installed on or in a compartment of any mobile home.

(2) *Construction of containers.* Containers shall be constructed and marked in accordance with the specifications for LP-Gas Containers of the U.S. Department of Transportation (DOT) or the Rules for Construction of Unfired Pressure Vessels, Section VIII, Division 1, ASME Boiler and Pressure Vessel Code. ASME Containers shall have a design pressure of at least 312.5 psig. (i) Container supply systems shall be arranged for vapor withdrawal only. (ii) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable internal withdrawal tube which communicates with the vapor space in or near the highest point in the container when it is mounted in service position, with the vehicle on a level surface. Containers shall be permanently and legibly marked in a conspicuous manner on the outside to show the correct mounting position and the position of the service outlet connection. The method of mounting in place shall be such as to minimize the possibility of an incorrect positioning of the container.

(3) *Location of LP-Gas Containers and Systems.* (i) LP-Gas Containers shall not be installed, nor shall provisions be made for installing or storing any LP-Gas container, even temporarily, inside any mobile home except for listed, completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of not more than 2½ pounds (approximately one pound LP-Gas capacity). (ii) Containers, control valves, and regulating equipment, when installed, shall be mounted on the "A" frame of the mobile home, or installed in a compartment that is vaportight to the inside of the mobile home and accessible only from the outside. The compartment shall be ventilated at top and bottom to facilitate diffusion of vapors. The compartment shall be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and shall open unrestricted to the outside atmosphere. The required vents shall be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent shall be located in the access door or wall with the bottom of the vent not more than 12 inches below the ceiling level of the compartment. All vents shall have an unrestricted discarge to the outside atmosphere. Access doors or panels of compartments shall not be equipped with locks or require special tools or knowledge to open. (iii) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping or rotating and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel, using a safety factor of not less than four based on the ultimate strength of the material to be used.

(4) *LP-Gas Container Valves and Accessories.* (i) Valves in the assembly of a two-cylinder system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliance(s). This provision is not to be construed as requiring an automatic change-over device. (ii) Shutoff valves on the containers shall be protected as follows, in transit, in storage, and while being moved into final utilization by setting into a recess of the container to prevent possibility of their being struck if container is dropped upon a flat surface, or by ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction shall be such that the blow will not be transmitted to the valve. (iv) Regulators shall be connected directly to the container shutoff valve outlets or mounted securely by means of a support bracket and connected to the container shutoff valve or valves with listed high pressure connections. If the container is permanently mounted the connector shall be as required above or with a listed semi-rigid tubing connector.

(5) *LP-Gas Safety Devices.* (i) DOT containers shall be provided with safety relief devices as required by the regulations of the U.S. Department of Transportation. ASME containers shall be provided with relief valves in accordance with Subsection 221 of the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58–1974; ANSI Z106.1–1974). Safety relief valves shall have direct communication with the vapor space of the vessel. (ii) The delivery side of the gas pressure regulator shall be equipped with a safety relief device set to discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator. (iii) Systems mounted on the "A" frame assembly shall be so located that the discharge from the safety relief devices shall be into the open air and not less than three feet horizontally from any opening into the mobile home below the level of such discharge. (iv) Safety relief valves located within liquefied petroleum gas container compartments may be less than three feet from openings provided the bottom vent of the compartment is at the same level or lower than the bottom of any opening into the vehicle, or the compartment is not located on the same wall plane as the opening(s) and is at least two feet horizontally from such openings.

(6) *LP-Gas System Enclosure and Mounting.* (i) Housings and enclosures shall be designed to provide proper ventilation at least equivalent to that specified in § 280.704(b)(3)(ii). (ii) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for replacement of containers shall incorporate means for clamping them firmly in place and preventing them from working loose during transit. (iii) Provisions shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit. (iv) Containers shall be mounted on a substantial support or a base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the mobile home frame.

(c) *Oil Tanks*—(1) *Installation.* Oil tanks and listed automatic pumps (oil lifters) installed for gravity flow of oil to heating equipment shall be installed so that the top of the tank is no higher than 8 feet above the appliance oil control and the bottom of the tank is not less than 18 inches above the appliance oil control.

(2) *Auxiliary Oil Storage Tank.* Oil supply tanks affixed to a mobile home shall be so located as to require filling and draining from the outside and shall be in a place readily available for inspection. If the fuel supply tank is located in a compartment of a mobile home, the compartment shall be ventilated at the bottom to permit diffusion of vapors and shall be insulated from the structural members of the body. Tanks so installed shall be provided with an outside fill and vent pipe and an approved liquid level gage.

(3) *Shutoff Valve.* A readily accessible, approved manual shutoff valve shall be installed at the outlet of an oil supply tank. The valve shall be installed to close against the supply.

(4) *Fuel Oil Filters.* All oil tanks shall be equipped with an approved oil filter or strainer located downstream from the tank shutoff valve. The fuel oil filter or strainer shall contain a sump with a drain for the entrapment of water.

§ 280.705 Gas piping systems.

(a) *General.* The requirements of this Section shall govern the installation of all fuel gas piping attached to any mobile home. The gas piping supply system shall be designed for a pressure not exceeding 14 inch water column (½ psi) and not less than 7 inch water column (¼ psi). The manufacturer shall indicate in his written installation instructions the design pressure limitations for safe and effective operation of the gas piping system. None of the requirements listed in this Section shall apply to the piping supplied as a part of an appliance. All exterior openings around piping, ducts, plenums or vents shall be sealed to resist the entrance of rodents.

(b) *Materials.* All materials used for the installation, extension, alteration, or repair of any gas piping system shall be new and free from defects or internal obstructions. It shall not be permissible

to repair defects in gas piping or fittings. Inferior or defective materials shall be removed and replaced with acceptable material. The system shall be made of materials having a melting point of not less than 1,450° F, except as provided in § 280.705(e). They shall consist of one or more of the materials described in § 280.705(b) (1) through (4).

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10–1970 for Wrought-Steel and Wrought-Iron Pipe. Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with Standard Sizes and Specifications for Seamless Red Brass Pipe (ASTM B43–66).

(2) Fittings for gas piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88–72), or shall comply with the Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280–73. When used on systems designed for natural gas, such tubing shall be internally tinned.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for tubing of ½ inch diameter and smaller and 0.049 inch for diameters ½ inch and larger. Steel tubing shall be constructed in accordance with ASTM Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539–73), and shall be externally corrosion protected.

(c) *Piping design.* Each mobile home requiring fuel gas for any purpose shall be equipped with a fuel gas piping system that is designed for LP-Gas only or with a natural gas piping system acceptable for LP-Gas.

(1) Where fuel gas piping is to be installed in both portions of an expandable or multiple unit mobile home, the design and construction of the crossover shall be as follows: (i) There shall be only one point of crossover which shall be readily accessible from the exterior of the mobile home. (ii) The connector between units shall be a listed type for exterior use, sized in accordance with § 280.705(d). (iii) The connection shall be made by a listed "quick disconnect" device which shall be designed to provide a positive seal of the supply side of the gas system when such device is separated. (iv) The flexible connector and "quick disconnect" device shall be provided with protection from mechanical and impact damage and located to minimize the possibility of tampering. (v) Suitable protective coverings for the "quick disconnect" device, when separated, shall be permanently attached to the device or flexible connector. (vi) A 3 inch by 1¾ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently attached on the exterior wall adjacent to the access to the "quick disconnect" device. Each tag shall be legibly inscribed with the following information using letters no smaller than ¼ inch high:

Do Not Use Tools to Separate the "Quick-Disconnect" Device.

(d) *Gas Pipe Sizing.* Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from any gas supply connection, when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column as determined on the basis of test, or in accordance with the following Table. When determining gas pipe sizing in the table, gas shall be assumed to have a specific gravity of 0.65 and rated at 1000 B.T.U. per cubic foot. The natural gas supply connection(s) shall be not less than the size of the gas piping but shall be not smaller than ¾ inch nominal pipe size.

Part I

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Natural Gas For Gas Pressures of 0.5 Psig or Less and a Maximum Pressure Drop of ½ Inch Water Column

	Iron Pipe Sizes											Tubing									
	Length in Feet											Length in Feet									
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100
¼"	43	29	24	20	18	16	15	14	13	12	⅜"	27	18	15	13	11	10	9	9	8	8
⅜"	95	65	52	45	40	36	33	31	29	27	½"	56	38	31	26	23	21	19	18	17	16
½"	175	120	97	82	73	66	61	57	53	50	⅝"	113	78	62	53	47	43	39	37	34	33
¾"	360	250	200	170	151	138	125	118	110	103	¾"	197	136	109	93	83	75	69	64	60	57
1"	680	465	375	320	285	260	240	220	215	195	⅞"	280	193	155	132	117	106	98	91	85	81

Part II

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Undiluted Liquefied Petroleum Gas Based on a Maximum Pressure Drop of ½ Inch Water Column

	Iron Pipe											Tubing									
	Length in Feet											Length in Feet									
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100
¼"	67	46	37	31	28	25	23	21	20	19	⅜"	39	26	21	19	—	—	—	—	—	—
⅜"	147	101	81	70	62	56	51	48	45	42	½"	92	62	50	41	37	35	31	29	27	26
½"	275	189	152	129	114	103	96	89	83	78	⅝"	199	131	107	90	79	72	67	62	59	55
¾"	567	393	315	267	237	217	196	185	173	162	¾"	329	216	181	145	131	121	112	104	95	90
1"	1071	732	590	504	448	409	378	346	322	307	⅞"	501	346	277	233	198	187	164	155	146	138

(e) *Joints for Gas Pipe.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with ANSI Standard Pipe Threads (Except Dryseal) B2-1—1968. Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(f) *Joints for Tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with SAE Standard J 533A or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with SAE Standard J 533A.

(g) *Pipe Joint Compound.* Screw joints shall be made up tight with listed pipe joint compound, insoluble in liquefied petroleum gas, and shall be applied to the male threads only.

(h) *Concealed Tubing.* Tubing shall not be run inside walls, floors, partitions, or roofs. Where tubing passes through walls, floors, partitions, roofs, or similar installations, such tubing shall be protected by the use of weather resistant grommets that shall snugly fit both the tubing and the hole through which the tubing passes.

(i) *Concealed Joints.* Piping or tubing joints shall not be located in any floor, wall partition, or similar concealed construction space.

(j) *Location of gas supply connection.* (1) For LP-Gas-only systems the supply connection shall be located at the "A" frame, container recess, or in the rear half of the total length of the mobile home and within 24 inches from the left (road) side wall, and should be as close as practicable to a point 30 feet from the front of the mobile home.

(2) For combination LP-Gas and natural gas systems, the natural gas supply connection shall be located under the rear half of the total length of the mobile home and within 24 inches of the left (road) side wall and be located as close as practicable to a point 30 feet from the front of the mobile home. The natural gas supply connection shall not be located beneath any exit door. An additional connection, if used, shall be located at the "A" frame. The system shall be sized to provide adequate capacity from either supply connection for natural gas.

(k) *Identification of gas supply connections.* Each mobile home shall have permanently affixed to the exterior skin at or near each gas supply connection or the end of the pipe, a tag of 3 inches by 1¾ inches minimum size, made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates), which reads (as appropriate) in accordance with one of the following label designs depending upon the fuel used. The connector capacity indicated on this tag shall be equal to or greater than the total Btuh rating of all intended gas appliances.

LP-Gas System

This gas piping system is designed for use of liquefied petroleum gas only.

DO NOT CONNECT NATURAL GAS TO THIS SYSTEM.

CONTAINER SHUTOFF VALVES SHALL BE CLOSED DURING TRANSIT.

When connecting to lot outlet, use a listed gas supply connector for mobile homes rated at ☐ 100,000 Btuh ☐ 250,000 Btuh or more.

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

Combination LP-Gas and Natural Gas System

This gas piping system is designed for use of either liquefied petroleum gas or natural gas.

NOTICE: BEFORE TURNING ON GAS BE CERTAIN APPLIANCES ARE DESIGNED FOR THE GAS CONNECTED AND ARE EQUIPPED WITH CORRECT ORIFICES. SECURELY CAP THIS INLET WHEN NOT CONNECTED FOR USE.

When connecting to lot outlet, use a listed gas supply connector for mobile homes rated at ☐ 100,000 Btuh ☐ 250,000 Btuh or more.

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

(l) *Gas supply connectors*—(1) *LP-Gas.* A listed LP-Gas flexible connector conforming to the UL Standard for Pigtails, Expansion Coils and Flexible Hose Connectors for LP-Gas (UL 569-1973) or equal shall be supplied when the fuel gas piping system is designed for the use of LP-Gas and cylinder(s) and regulator(s) are supplied.

(2) *Appliance connections.* All gas burning appliances shall be connected to the fuel piping. Materials as provided in § 280.705(b) or listed appliance connectors shall be used. Listed appliance connectors when used shall not run through walls, floors, ceilings or partitions. Connectors of aluminum shall not be used outdoors. A mobile home containing an LPG or combination LP-natural-gas-system may be provided with a gas outlet to supply exterior appliances when installed in accordance with the following: (i) No portion of the completed installation shall project beyond the wall of the mobile home. (ii) The outlet shall be provided with an approved "quick-disconnect" device, which shall be designed to provide a positive seal on the supply side of the gas system when the appliance is disconnected. A shutoff valve shall be installed immediately upstream of the quick-disconnect device. The complete device shall be provided as part of the original installation. (iii) Protective caps or plugs for the "quick-disconnect" device, when disconnected, shall be per-

manently attached to the mobile home adjacent to the device. (iv) A tag shall be permanently attached to the outside of the exterior wall of the mobile home as close as possible to the gas supply connection. The tag shall indicate the type of gas and the Btuh capacity of the outlet and shall be legibly inscribed as follows:

THIS OUTLET IS DESIGNED FOR USE WITH GAS PORTABLE APPLIANCES WHOSE TOTAL INPUT DO NOT EXCEED ——— BTUH. REPLACE PROTECTIVE COVERING OVER CONNECTOR WHEN NOT IN USE.

(3) *Valves.* A shutoff valve shall be installed in the fuel piping at each gas appliance inside the mobile home structure, upstream of the union or connector in addition to any valve on the appliance and so arranged to be accessible to permit servicing of the appliance and removal of its components, and for shutoff in case of emergency. The shutoff valve shall be located within 6 feet of a cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one applicant if located as required above. Shutoff valves used in connection with gas piping shall be of a type designed and listed for use on LP-Gas.

(4) *Gas Piping System Openings.* All openings in the gas piping system shall be closed gas-tight with threaded pipe plugs or pipe caps.

(5) *Electrical Ground.* Gas piping shall not be used for an electrical ground.

(6) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded piping. Right and left nipples or couplings shall not be used.

(7) *Hangers and Supports.* All gas piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe gas supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(8) *Testing for Leakage.* (i) Before appliances are connected, piping systems shall stand a pressure of at least six inches mercury or three PSI gage for a period of not less than ten minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or slope gage calibrated so as to be read in increments of not greater than one-tenth pound, or an equivalent device. The source of normal operating pressure shall be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping shall be approximately the same, and constant air temperature be maintained throughout the test. (ii) After appliances are connected, the piping system shall be pressurized to not less than 10 inches nor more than 14 inches water column and the appliance connections tested for leakage with soapy water or bubble solution.

§ 280.706 Oil Piping Systems.

(a) *General.* The requirements of this Section shall govern the installation of all liquid fuel piping attached to any mobile home. None of the requirements listed in this Section shall apply to the piping in the apliance(s).

(b) *Materials.* All materials used for the installation extension, alteration, or repair, of any oil piping systems shall be new and free from defects or internal obstructions. The system shall be made of materials having a melting point of not less than 1,450 F, except as provided in § 280.706(d) and (e). They shall consist of one or more of the materials described in § 280.706(b) (1) through (4). (1) Steel or wrought-iron pipe shall comply with American National Standard for Wrought-Steel or Wrought-Iron Pipe, B36.10—1970. Threaded copper or brass pipe in iron pipe sizes may be used. (2) Fittings for oil piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper). (3) Copper tubing shall be annealed type, Grade K or L conforming to the Specifications for Seamless Copper Water Tube (ASTM B88–72), or shall comply with the specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280–73, (4) Steel tubing shall have a minimum wall thickness of 0.032 inch for diameters up to ½ inch and 0.049 inch for diameters ½ inch and larger. Steel tubing shall be constructed in accordance with the Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539–73) and shall be externally corrosion protected.

(c) *Size of Oil Piping.* The minimum size of all fuel oil tank piping connecting outside tanks to the appliance shall be no smaller than ⅜ inch OD copper tubing or ¼ inch IPS. If No. 1 fuel oil is used with a listed automatic pump (fuel lifter), copper tubing shall be sized as specified by the pump manufacturer.

(d) *Joints for Oil Piping.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with American National Standard for Pipe Threads (Except Dryseal), B2.1—1968. The material used for brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(e) *Joints for Tubing.* Joints in tubing shall be made with either a single or double flare of the proper degree, as recommended by the tubing manufacturer, by means of listed tubing fittings, or brazed with materials having a melting point in excess of 1,000 F.

(f) *Pipe joint compound.* Threaded joints shall be made up tight with listed pipe joint compound which shall be applied to the male threads only.

(g) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded pipe. Right and left nipples or couplings shall not be used.

(h) *Grade of piping.* Fuel oil piping installed in conjunction with gravity feed systems to oil heating equipment shall slope in a gradual rise upward from a central location to both the oil tank and the appliance in order to eliminate air locks.

(i) *Strap hangers.* All oil piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe oil supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(j) *Testing for leakage.* Before setting the system in operation, tank installations and piping shall be checked for oil leaks with fuel oil of the same grade that will be burned in the appliance. No other material shall be used for testing fuel oil tanks and piping. Tanks shall be filled to maximum capacity for the final check for oil leakage.

§ 280.707 Heat producing appliances.

(a) Heat-producing appliances and vents, roof jacks and chimneys necessary for their installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

(1) A mobile home shall be provided with a comfort heating system. (i) When a mobile home is manufactured to contain a heating appliance, the heating appliance shall be installed by the manufacturer of the mobile home in compliance with applicable sections of this subpart. (ii) When a mobile home is manufactured for field application of an external heating or combination heating/cooling appliance, preparation of the mobile home for this external application shall comply with the applicable sections of this part.

(2) After the effective date specified herein gas and oil burning comfort heating appliances shall have a flue loss of not more than that specified below, and a thermal efficiency of not less than that specified in nationally recognized standards. (See § 280.703)

Effective date:	*Maximum allowable flue loss*
Jan. 1, 1977	25 percent
Jan. 1, 1976	30 percent

(b) Fuel-burning heat-producing appliances and refrigeration appliances, except ranges and ovens, shall be of the vented type and vented to the outside.

(c) Fuel-burning appliances shall not be converted from one fuel to another fuel unless converted in accordance with the terms of their listing and the appliance manufacturer's instructions.

(d) *Performance Efficiency.* (1) All automatic electric storage water heaters shall have a standby loss not exceeding 43 watts/meter^2 (4 watts/FT^2) of tank surface area effective January 1, 1977. The method of test for standby loss shall be as described in Section 4.3.1 of ANSI C72.1–72.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E_r, and a standby loss, S, as described below, effective January 1, 1977. The method of test of E_r and S shall be as described in Section 2.7 of ANSI Z21.10.1–1974, except that for oil-fired units. CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in Btu/gallon.

Storage capacity in gallons	Recovery efficiency	Standby loss
Less than 25	At least 75 percent.	Not more than 7.5 percent.
25 up to 35	do	Not more than 7 percent.
35 or more	do	Not more than 6 percent.

(e) Each space heating, cooling or combination heating and cooling system shall be provided with at least one readily adjustable automatic control for regulation of living space temperature. The control shall be placed a minimum of 3 feet from the vertical edge of the appliance compartment door. It shall not be located on an exterior wall or on a wall separating the appliance compartment from a habitable room.

§ 280.708 Clothes dryers.

(a) *Clothes dryers.* (1) Clothes dryers shall be exhausted to the outside by a moisture-lint exhaust duct and termination fitting. Such termination fittings for gas dryers shall be listed or certified as components of the dryer.

(2) A clothes dryer moisture-lint exhaust duct shall not be connected to any other duct, vent or chimney.

(3) The exhaust duct shall not terminate beneath the mobile home.

(4) Moisture-lint exhaust ducts shall not be connected with sheet metal screws or other fastening devices which extend into the interior of the duct.

(b) *Gas clothes dryer.* A mobile home may be provided with "stubbed in" equipment at the factory to supply a gas clothes dryer for future installation by the owner provided it complies with the following provisions: (1) The "stubbed in" gas outlet shall be provided with a shutoff valve, the outlet of which is closed by threaded pipe plug or cap. (2) The "stubbed in" gas outlet shall be permanently labeled to identify it for use only as the supply connection for a gas clothes dryer. (3) A moisture-lint exhaust duct system shall be roughed in by the manufacturer at the time of original installation. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

(c) *Electric clothes dryers.* Electric clothes dryers shall be exhausted to the outside in accordance with the appliance manufacturer's instructions. When a receptacle is installed to supply an electric clothes dryer for future installation by the owner, the moisture-lint exhaust system required by § 280.708(a) (4) shall be roughed in by the manufacturer. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

§ 280.709 Installation of appliances.

(a) The installation of each appliance shall conform to the terms of its listing and the manufacturer's instructions. The installer shall leave the manufacturer's instructions attached to the appliance. Every appliance shall be secured in place to avoid displacement. For the purpose of servicing and replacement, each appliance shall be both accessible and removable.

(b) Heat-producing appliances shall be so located that no doors, drapes, or other such material can be placed or swing closer to the front of the appliance than the clearances specified on the labeled appliances.

(c) Clearances between heat-producing appliances and adjacent surfaces shall not be less than specified in the terms of their listing. Clearance spaces shall be framed in or guarded to prevent creation of storage space within the clearance specified.

(d) All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the mobile home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by:

(1) The installation of direct vent system (sealed combustion system) appliances, or

(2) The installation of appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the mobile home. There shall not be any door, removable access panel, or other opening into the enclosure from the inside of the mobile home. Any opening for ducts, piping, wiring, etc., shall be sealed.

(e) A forced air appliance and its return-air system shall be designed and installed so that negative pressure created by the air-circulating fan cannot affect its or another appliance's combustion air supply or act to mix products of combustion with circulating air.

(1) The air circulating fan of a furnace installed in an enclosure with another fuel-burning appliance shall be operable only when any door or panel covering an opening in the furnace fan compartment or in a return air plenum or duct is in the closed position. This does not apply if both appliances are direct vent system (sealed combustion system) appliances.

(2) If a warm air appliance is installed within an enclosure to conform to § 280.709(d)(2), each warm-air outlet and each return air inlet shall extend to the exterior of the enclosure. Ducts, if used for that purpose, shall not have any opening within the enclosure and shall terminate at a location exterior to the enclosure.

(3) Cooling coils installed as a portion of, or in connection with, any forced-air furnace shall be installed on the downstream side unless the furnace is specifically otherwise listed.

(4) An air conditioner evaporator section shall not be located in the air discharge duct or plenum of any forced-air furnace unless the mobile home manufacturer has complied with certification required in § 280.511.

(5) If a cooling coil is installed with a forced-air furnace, the coil shall be installed in accordance with its listing. When a furnace-coil unit has a limited listing, the installation must be in accordance with that listing.

(6) When an external heating appliance or combination cooling/heating appliance is to be applied to a mobile home, the manufacturer shall make provision for proper location of the connection to the mobile home supply system and return air system of the external ducts connected to the appliance.

(7) The installation of a self contained air conditioner comfort cooling appliance shall meet the following requirements: (i) The installation on a duct common with an installed heating appliance shall require the installation of an automatic damper or other means to prevent the cooled air from passing through the heating appliance unless the heating appliance is certified or listed for such application and the supply system is intended for such an application. (ii) The installation shall prevent the flow of heated air into the external cooling appliance and its connecting ducts to the mobile home supply and return air system during the operation of the heating appliance installed in the mobile home. (iii) The installation shall prevent simultaneous operation of the heating and cooling appliances.

(f) *Vertical clearance above cooking top.* Ranges shall have a vertical clearance above the cooking top of not less than 24 inches. (See § 280.204).

(g) Solid fuel-burning factory-built fireplaces and fireplace stoves listed for use in mobile homes may be installed in mobile homes provided they and their installation conform to the following paragraphs. A fireplace or fireplace stove shall not be considered as a heating facility for determining compliance with Subpart F.

(1) A solid fuel-burning fireplace or fireplace stove shall be equipped with integral door(s) or shutter(s) designed to close the fireplace or fireplace stove fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the fireplace or the fireplace stove to the mobile home structure. The installation shall conform to the following paragraphs (g)(1) (i) to (vii) inclusive: (i) A listed factory-built chimney designed to be attached directly to the fireplace or fireplace stove shall be used. The listed factory built chimney shall be equipped with and contain as part of its listing a termination device(s) and a spark arrester(s). (ii) A fireplace or fireplace stove, air intake assembly, hearth extension and the chimney shall be installed in accordance with the terms of their listings and their manufacturer's instructions. (iii) The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the mobile home. (iv) The fireplace or fireplace stove shall not be installed in a sleeping room. (v) Hearth extension shall be of noncombustible material not less than ⅜-inch thick. The hearth shall extend at least 16 inches in front or and at least 8 inches beyond each side of the fireplace

or fireplace stove opening. Furthermore the hearth shall extend over the entire surface beneath a fireplace stove and beneath an elevated or overhanging fireplace. (vi) The label on each solid fuel-burning fireplace and solid fuel-burning fireplace stove shall include the following wording: For use with solid fuel only. (vii) The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the mobile home within 10 feet of the chimney. Portions of the chimney and termination that exceed an elevation of 13½ ft. above ground level may be designed to be removed for transporting the mobile home.

§ 280.710 Venting, ventilation and combustion air.

(a) The venting as required by § 280.707 (b) shall be accomplished by one or more of the methods given in (1) and (2) below:

(1) An integral vent system listed or certified as part of the appliance.

(2) A venting system consisting entirely of listed components, including roof jack, installed in accordance with the terms of the appliance listing and the appliance manufacturer's instructions.

(b) Venting and combustion air systems shall be installed in accordance with the following:

(1) Components shall be securely assembled and properly aligned using the method shown in the appliance manufacturer's instructions.

(2) Draft hood connectors shall be firmly attached to draft hood outlets or flue collars by sheet metal screws or by equivalent effective mechanical fasteners.

(3) Every joint of a vent, vent connector, exhaust duct and combustion air intake shall be secure and in alignment.

(c) Venting systems shall not terminate underneath a mobile home.

(d) Venting system terminations shall be not less than three feet from any motor-driven air intake discharging into habitable areas.

(e) The area in which cooking appliances are located shall be ventilated by a metal duct which may be single wall, not less than 12.5 square inches in cross-sectional area (minimum dimension shall be two inches) located above the appliance(s) and terminating outside the mobile home, or by listed mechanical ventilating equipment discharging outside the home, that is installed in accordance with the terms of listing and the manufacturer's instructions. Gravity or mechanical ventilation shall be installed within a horizontal distance of not more than ten feet from the vertical front of the appliance(s).

(f) Mechanical ventilation which exhausts directly to the outside atmosphere from the living space of a home shall be equipped with an automatic or manual damper. Operating controls shall be provided such that mechanical ventilation can be separately operated without directly energizing other energy consuming devices.

§ 280.711 Instructions.

Operating instructions shall be provided with each appliance. These instructions shall include directions and information covering the proper use and efficient operation of the appliance and its proper maintenance.

§ 280.712 Marking.

(a) Information on clearances, input rating, lighting and shutdown shall be attached to the appliances with the same permanence as the nameplate, and so located that it is easily readable when the appliance is properly installed or shutdown for transporting of mobile home.

(b) Each fuel-burning appliance shall bear permanent marking designating the type(s) of fuel for which it is listed.

§ 280.713 Accessibility.

Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. Sufficient room shall be available to enable the operator to observe the burner, control, and ignition means while starting the appliance.

§ 280.714 Appliances, cooling.

(a) Every air conditioning unit or a combination air conditioning and heating unit shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing.

(1) Mechanical air conditioners shall be rated in accordance with the Standard for Unitary Air-Conditioning Equipment (ARI Standard 210–74) and certified by ARI or other nationally recognized testing agency capable of providing follow-up service. (i) Electric motor-driven unitary cooling systems with rated capacity less than 65,000 Btu/hr manufactured after the times indicated in the following table, when rated at ARI Standard rating conditions as listed in ARI Standard 210–74, shall show energy efficiency ratio (EER) values not less than as shown below:

Date:	*Energy efficiency ratio*
Jan. 1, 1977	6.5
Jan. 1, 1980	7.2

(ii) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals." (iii) Heat pumps shall be listed in the ARI Directory of Certified Unitary Heat Pumps or certified to comply with all the requirements of the Standard for Unitary Heat Pumps 240–74. Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat shall be sized to provide by compression at least 60 percent of the calculated annual heating requirement for the mobile home being served. A control shall be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 F, except for defrost operation. (iv) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ARI Standard 240–74 manufactured after the dates indicated in the table shall show coefficient of performance ratios not less than shown below:

COP

Date	Outdoor air temperature		
	45° F	20° F	0° F
Jan. 1, 1977	2.2	1.4	Permit shutoff.
Jan. 1, 1980	2.5	1.7	1.0.

(2) Gas fired absorption air conditioners shall be listed or certified in cordance with ANSI Standard Z21.40.1–1973 and certified by AGA or another nationally recognized testing agency capable of providing follow-up service.

(3) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed in a mobile home shall employ a type of refrigerant that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals."

(b) *Installation and instructions.*

(1) The installation of each appliance shall conform to the terms of its listing as specified on the appliance and in the manufacturer's instructions. The installer shall include the manufacturer's installation instructions in the mobile home. Appliances shall be secured in place to avoid displacement and movement from vibration and road shock.

(2) Operating instructions shall be provided with the appliance.

(c) Fuel-burning air conditioners shall also comply with § 280.707.

(d) The appliance rating plate shall be so located that it is easily readable when the appliance is properly installed.

(e) Every installed appliance shall be accessible for inspection, service, repair and replacement without removing permanent construction.

§ 280.715 Circulating air system.

(a) *Supply system.* (1) Supply ducts and any dampers contained therein shall be made from galvanized steel, tinplated steel, or aluminum, or shall be listed Class 0, Class 1, or Class 2 air ducts. Class 2 air ducts shall be located at least 3 feet from the furnace bonnet or plenum. A duct system integral with the structure shall be of durable construction that can be demonstrated to be equally resistant to fire and deterioration. Ducts constructed from sheet metal shall be in accordance with the following table:

Minimum metal thickness for ducts[1]

Duct type	Diameter 14 in or less	Width over 14 in
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thicknesses are specified, 0.003 inf shall be added to these "minimum" metal thicknesses.

(2) Sizing of ducts for heating. (i) Ducts shall be so designed that when a labeled forced-air furnace is installed and operated continuously at its normal heating air circulating rate in the mobile home, with all registers in the full open position, the static pressure measured in the casing shall not exceed 90% of that shown on the label of the appliance. For upflow furnaces the static pressure shall be taken in the duct plenum. For external heating or combination heating/cooling appliances the static pressure shall be taken at the point used by the agency listing or certifying the appliance. (ii) When an evaporator-coil specifically designed for the particular furnace is installed between the furnace and the duct plenum, the total static pressure shall be measured downstream of the coil in accordance with the appliance label and shall not exceed 90 percent of that shown on the label of the appliance. (iii) When any other listed air-cooler coil is installed between the furnace and the duct plenum, the total static pressure shall be measured between the furnace and the coil and it shall not exceed 90 percent of that shown on the label of the furnace. (iv) The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(3) Sizing of ducts for air cooling. (i) The mobile home manufacturer shall certify the capacity of the air cooling supply duct system for the maximum allowable output of ARI certified central air conditioning systems. The certification shall be at operating static pressure of 0.3 inches of water or greater. (See § 280.511). (ii) The refrigerated air cooling supply duct system including registers must be capable of handling at least 300 cfm per 10,000 btuh with a static pressure no greater than 0.3 inches of water when measured at room temperature. In the case of application of external self contained comfort cooling appliances or the cooling mode of combination heating/cooling appliances, either the external ducts between the appliance and the mobile home supply system shall be considered part of, and shall comply with the requirements for the refrigerated air cooling supply duct system, or the connecting duct between the external appliance and the mobile supply duct system shall be a part of the listed appliance. The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(4) Airtightness of supply duct systems. A supply duct system shall be considered substantially airtight when the static pressure in the duct system, with all registers sealed and with the furnace air circulator at high speed, is at least 80 percent of the static pressure measured in the furnace casing, with its outlets sealed and the furnace air circulator operating at high speed. For the purpose of this paragraph and § 280.715(b) pressures shall be measured with a water manometer or equivalent device calibrated to read in increments not greater than ⅛ inch water column.

(5) Expandable or multiple mobile home connections. (i) An expandable or multiple mobile home may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the mobile home is fully expanded or coupled, the resulting duct joint will conform to the requirements of this Part. (ii) Installation instructions for supporting the crossover duct from the mobile home shall be provided for onsite installation. The duct shall not be in contact with the ground.

(6) Air supply ducts shall be insulated with material having an effective thermal resistance (R) of not less than 4.0 unless they are within mobile home insulation having a minimum effective value of R–4.0 for floors or R–6.0 for ceilings.

(7) Supply and return ducts exposed directly to outside air, such as under chassis crossover ducts or ducts connecting external heating, cooling or combination heating/cooling appliances shall be insulated with material having a minimum thermal resistance of R=4.0, with a continuous vapor barrier having a perm rating of not more than 1 perm. Where exposed underneath the mobile home, all such ducts shall comply with § 280.715 (a)(5)(ii).

(b) *Return air systems.* (1) *Return air openings.* Provisions shall be made to permit the return of circulating air from all rooms and living spaces, except toilet room(s), to the circulating air supply inlet of the furnace.

(2) *Duct Material.* Return ducts and any diverting dampers contained therein shall be in accordance with the following: (i) Portions of return ducts directly above the heating surfaces, or closer than 2 feet from the outer jacket or casing of the furnace shall be constructed of metal in accordance with § 280.715(a)(1) or shall be listed Class 0 or Class 1 air ducts. (ii) Return ducts, except as required by (a) above, shall be constructed of one-inch (nominal) wood boards (flame spread classification of not more than 200), other suitable material no more flammable than one-inch board or in accordance with § 280.715(a)(1). (iii) The interior of combustible ducts shall be lined with noncombustible material at points where there might be danger from incandescent particles dropped through the register or furnace such as directly under floor registers and the bottom return. (iv) Factory made air ducts used for connecting external heating, cooling or combination heating/cooling appliances to the supply system and return air system of a mobile home shall be listed by a nationally recognized testing agency. Ducts applied to external heating appliances or combination heating/cooling appliances supply system outlets shall be constructed of metal in accordance with § 280.715(a)(1) or shall be listed Class 0 or Class 1 air ducts for those portions of the duct closer than 2 feet from the outer casing of the appliance. (v) Ducts applied to external appliances shall be resistant to deteriorating environmental effects, including but not limited to ultra violet rays, cold weather, or moisture and shall be resistant to insects and rodents.

(3) *Sizing.* The cross-sectional areas of the return air duct shall not be less than 2 square inches for each 1,000 Btu per hour input rating of the appliance. Dampers shall not be placed in a combination fresh air intake and return air duct so arranged that the required cross-sectional area will not be reduced at all possible positions of the damper.

(4) *Permanent unclosable openings.* Living areas not served by return air ducts or closed off from the return opening of the furnace by doors, sliding partitions, or other means shall be provided with permanent unclosable openings in the doors or separating partitions to allow circulated air to return to the furnace. Such openings may be grilled or louvered. The net free area of each opening shall be not less than 1 square inch for every 5 square feet of total living area closed off from the furnace by the door or partition serviced by that opening. Undercutting doors connecting the closed-off space may be used as a means of providing return air area. However, in the event that doors are undercut, they shall be undercut a minimum of 2 inches and no more than 2½ inches, and no more than one half of the free air area so provided shall be counted as return air area.

(c) *Joints and seams.* Joints and seams of ducts shall be securely fastened and made substantially airtight. Slip joints shall have a lap of at least 1 inch and shall be individually fastened. Tape or caulking compound may be used for sealing mechanically secure joints. Where used, tape or caulking compound shall not be subject to deterioration under long exposures to temperatures up to 200° F. and to conditions of high humidity, excessive moisture, or mildew.

(d) *Supports.* Ducts shall be securely supported.

(e) *Registers or grilles.* Fittings connecting the registers or grilles to the duct system shall be constructed of metal or material which complies with the requirements of Class 1 or 2 ducts under Underwriters' Laboratories, Inc. Standard for Air Ducts, UL181–1972. Air supply terminal devices (registers) when installed in kitchens, bedrooms and bathrooms shall be equipped with adjustable closeable dampers. Registers or grilles shall be constructed of metal or conform with the following:

(1) Be made of a material classified 94VE–0 or 94VE–1 when tested as described in Underwriters' Laboratories, Inc. Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances. UL94–1974.

(2) Floor register or grilles shall resist without structural failure a 200 lb. concentrated load on a 2-inch diameter disc applied to the most critical area of the exposed face of the register or grille. For this test the register or grille is to be at a temperature of not less than 165° F and is to be supported in accordance with the manufacturer's instructions.

Subpart I—Electrical Systems

§ 280.801 Scope.

(a) Subpart I of this Standard and Part A of Article 550 of the National Electrical Code (NFPA No. 70—1975) cover the electrical conductors and equipment installed within or on mobile homes and the conductors that connect mobile homes to a supply of electricity.

(b) In addition to the requirements of this Standard and Article 550 of the National Electrical Code (NFPA No. 70—1975), the applicable portions of other Articles of the National Electrical Code shall be followed covering electrical installations in mobile homes. Wherever the requirements of this Standard differ from the National Electrical Code, this Standard shall apply.

(c) The provisions of this Standard apply to mobile homes intended for connection to a wiring system nominally rated 115/230 volts, 3-wire AC, with grounded neutral.

(d) All electrical materials, devices, appliances, fittings and other equipment shall be listed or labeled by a nationally recognized testing agency and shall be connected in an approved manner when in service.

(e) Aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

§ 280.802 Definitions.

(a) The following definitions are applicable to Subpart I only.

(1) "Accessible (i) (As Applied to Equipment)" means admitting close approach because not guarded by locked doors, elevation, or other effective means. (See "Readily Accessible.") (ii) "(As Applied to Wiring Methods) means capable of being removed or exposed without damaging the mobile home structure or finish, or not permanently closed-in by the structure or finish of the mobile home (see "Concealed" and "Exposed").

(2) "Air Conditioning or Comfort Cooling Equipment" means all of that equipment intended or installed for the purpose of processing the treatment of air so as to control simultaneously its temperature, humidity, cleanliness, and distribution to meet the requirements of the conditioned space.

(3) (i) "Appliance" means utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions, such as clothes washing, air conditioning, food mixing, deep frying, etc. (ii) "Appliance, Fixed" means an appliance which is fastened or otherwise secured at a specific location. (iii) "Appliance, Portable" means an appliance which is actually moved or can easily be moved from one place to another in normal use. For the purpose of this Standard, the following major appliances are considered portable if cord-connected: refrigerators, clothes washers, dishwashers without booster heaters, or other similar appliances. (iv) "Appliance, Stationary" means an appliance which is not easily moved from one place to another in normal use.

(4) "Attachment Plug (Plug Cap) (Cap)" means a device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(5) "Bonding" means the permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(6) "Branch Circuit" (i) means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s). A device not approved for branch circuit protection, such as a thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit. (ii) "Branch Circuit—Appliance" means a branch circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently connected lighting fixtures not a part of an appliance. (iii) "Branch Circuit—General Purpose" means a circuit that supplies a number of outlets for lighting and appliances. (iv) "Branch Circuit—Individual" means a branch circuit that supplies only one utilization equipment.

(7) "Cabinet" means an enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which swinging doors are hung.

(8) "Circuit Breaker" means a device designed to open and close a circuit by nonautomatic means, and to open the circuit automatically on a predetermined overload of current without injury to itself when properly applied within its rating.

(9) "Concealed" means rendered inaccessible by the structure or finish of the mobile home. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "Accessible (As Applied to Wiring Methods)")

(10) "Connector, Pressure (Solderless)" means a device that establishes a connection between two or more conductors or between one or more conductors and a terminal by means of mechanical pressure and without the use of solder.

(11) "Dead Front (As Applied to Switches, Circuit-Breakers, Switchboards, and Distribution Panelboard)" means so designed, constructed, and installed that no current-carrying parts are normally exposed on the front.

(12) "Demand Factor" means the ratio of the maximum demand of a system, or part of a system, to the total connected load of a system or the part of the system under consideration.

(13) "Device" means a unit of an electrical system that is intended to carry but not utilize electrical energy.

(14) "Disconnecting Means" means a device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(15) "Distribution Panelboard" means a single panel or a group of panel units designed for assembly in the form of a single panel, including buses, and with or without switches or automatic overcurrent protective devices or both, for the control of light, heat, or power circuits of small individual as well as aggregate capacity; designed to be placed in a cabinet placed in or against a wall or partition and accessible only from the front.

(16) "Enclosed" means surrounded by a case that will prevent a person from accidentally contacting live parts.

(17) "Equipment" means a general term, including material, fittings, devices, appliances, fixtures, apparatus, and the like used as a part of, or in connection with, an electrical installation.

(18) "Exposed" (i) (As Applied to Live Parts) means capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "Accessible" and "Concealed.") (ii) (As Applied to "Wiring Method") means on or attached to the surface or behind panels designed to allow access. (See "Accessible (As Applied to Wiring Methods)")

(19) "Externally Operable" means capable of being operated without exposing the operator to contact with live parts.

(20) "Feeder Assembly" means the overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord approved for mobile home use, designed for the purpose of delivering energy from the source of electrical supply to the distribution panelboard within the mobile home.

(21) "Fitting" means an accessory, such as a locknut, bushing, or other part of a wiring system, that is intended primarily to perform a mechanical rather than an electrical function.

(22) "Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body that serves in place of the earth.

(23) "Grounded" means connected to earth or to some conducting body that serves in place of the earth.

(24) "Grounded Conductor" means a system or circuit conductor that is intentionally grounded.

(25) "Grounding Conductor" means a conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(26) "Guarded" means covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats or platforms to remove the likelihood of approach or contact by persons or objects to a point of danger.

(27) "Isolated" means not readily accessible to persons unless special means for access are used.

(28) "Laundry Area" means an area containing or designed to contain either a laundry tray, clothes washer and/or clothes dryer.

(29) "Lighting Outlet" means an outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(30) "Mobile Home Accessory Building or Structure" means any awning, cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home upon a mobile home lot.

(31) "Mobile Home Service Equipment" means the equipment containing the disconnecting means, overcurrent protective devices, and receptacles or other means for connecting a mobile home feeder assembly.

(32) "Outlet" means a point on the wiring system at which current is taken to supply utilization equipment.

(33) "Panelboard" means a single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent protective devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front.

(34) "Raceway" means any channel for holding wires, cables, or busbars that is designed expressly for, and used solely for, this purpose. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, structural raceways, wireways, and busways.

(35) "Raintight" means so constructed or protected that exposure to a beating rain will not result in the entrance of water.

(36) "Readily Accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "Accessible.")

(37) "Receptacle" means a contact device installed at an outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(38) "Receptacle Outlet" means an outlet where one or more receptacles are installed.

(39) "Utilization Equipment" means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar purposes.

(40) "Voltage (of a Circuit)" means the greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned. Some systems, such as 3-phase 4-wire, single-phase 3-wire, and 3-wire direct-current may have various circuits of various voltages.

(41) "Weatherproof" means so constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

§ 280.803 Power supply.

(a) The power supply to the mobile home shall be a feeder assembly consisting of not more than one listed 50 ampere mobile home power-supply cords, or a permanently installed circuit. A mobile home that is factory-equipped with gas or oil-fired central heating equipment and cooking appliances shall be permitted to be provided with a listed mobile home power-supply cord rated 40 amperes.

(b) If the mobile home has a power-supply cord, it shall be permanently attached to the distribution panelboard or to a junction box permanently connected to the distribution panelboard, with the free end terminating in an attachment plug cap.

(c) Cords with adapters and pigtail ends, extension cords, and similar items shall not be attached to, or shipped with, a mobile home.

(d) A listed clamp or the equivalent shall be provided at the distribution panelboard knockout to afford strain relief for the cord to prevent strain from being transmitted to the terminals when the power-supply cord is handled in its intended manner.

(e) The cord shall be of an approved type with four conductors, one of which shall be identified by a continuous green color or a continuous green color with one or more yellow stripes for use as the grounding conductor.

(f) The attachment plug cap shall be a 3-pole, 4-wire grounding type, rated 50 amperes, 125/250 volts with a configuration as shown herein and intended for use with the 50-ampere, 125/250 receptacle configuration shown. It shall be molded of butyl rubber, neoprene, or other approved materials which have been found suitable for the purpose, and shall be molded to the flexible cord so that it adheres tightly to the cord at the point where the cord enters the attachment-plug cap. If a right-angle cap is used, the configuration shall be so oriented that the grounding member is farthest from the cord.

(g) The overall length of a power-supply cord, measured from the end of the cord, including bared leads, to the face of the attachment-plug cap shall not be less than 21 feet and shall not exceed 36½ feet. The length of cord from the face of the attachment-plug cap to the point where the cord enters the mobile home shall not be less than 20 feet.



50-ampere 125/250 volt receptacle and attachment-plug-cap configurations, 3 pole, 4-wire grounding types used for mobile home supply cords and mobile home parks. Complete details of the 50-ampere cap and receptacle can be found in the American National Standard Dimensions of Caps, Plugs and Receptacles, Grounding Type (ANSI C73.17—1972).

(h) The power-supply cord shall bear the following marking: "For use with mobile homes—40 amperes" or "For use with mobile homes—50 amperes."

(i) The point of entrance of the feeder assembly to the mobile home shall be in the exterior wall, floor, or roof, in the rear third section (away from the coupler), of the mobile home.

(j) Where the cord passes through walls or floors, it shall be protected by means of conduit and bushings or equivalent. The cord may be installed within the mobile home walls, provided a continuous raceway is installed from the branch-circuit panelboard to the underside of the mobile home floor. The raceway may be rigid conduit, electrical metallic tubing or polyethylene (PE), poly-vinylchloride (PVC) or acrylonitrile-butadiene-styrene (ABS) plastic tubing having a minimum wall thickness of nominal ⅛ inch.

(k) Permanent provisions shall be made for the protection of the attachment-plug cap of the power supply cord and any connector cord assembly or receptacle against corrosion and mechanical damage if such devices are in an exterior location while the mobile home is in transit.

(l) Where the calculated load exceeds 50 amperes or where a permanent feeder is used, the supply shall be by means of:

(1) One mast weatherhead installation installed in accordance with Article 230 of the National Electrical Code NFPA No. 70—1975 containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or,

(2) An approved raceway from the disconnecting means in the mobile home to the underside of the mobile home with provisions for the attachment of a suitable junction box or fitting to the raceway on the underside of the mobile home. The manufacturer shall provide in his written installation instructions, the proper feeder conductor sizes for the raceway and the size of the junction box to be used.

§ 280.804 Disconnecting means and branch-circuit protective equipment.

(a) The branch-circuit equipment shall be permitted to be combined with

the disconnecting means as a single assembly. Such a combination shall be permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size of the mains shall be plainly marked with lettering at least ¼-inch high and visible when fuses are changed. See Section 110-22 of the National Electrical Code (NFPA No. 70—1975) concerning identification of each disconnecting means and each service, feeder, or branch circuit at the point where it originated and the type marking needed.

(b) Plug fuses and fuseholders shall be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards. Electrical distribution panels containing circuit breakers shall also be dead-front type.

(c) Disconnectiong means. A single disconnecting means shall be provided in each mobile home consisting of a circuit breaker, or a switch and fuses and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the mobile home. The main circuit breakers or fuses shall be plainly marked "Main." This equipment shall contain a solderless type of grounding connector or bar for the purposes of grounding with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors shall be insulated.

(d) The disconnecting equipment shall have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, shall be located a minimum of 24 inches from the bottom of such equipment to the floor level of the mobile home. There shall be a label attached to the panelboard stating: This Panelboard shall be connected by a Feeder Assembly having Overcurrent Protection rated at not more than _____ Amperes. The correct ampere rating shall be marked in the blank space.

(e) A distribution panelboard employing a main circuit breaker shall be rated 50 amperes and employ a 2-pole circuit breaker rated 40 amperes for a 40-ampere supply cord, or 50 amperes for a 50-ampere supply cord. A distribution panelboard employing a disconnect switch and fuses shall be rated 60 amperes and shall employ a single 2-pole, 60-ampere fuseholder with 40- or 50-ampere main fuses for 40- or 50-ampere supply cords, respectively. The outside of the distribution panelboard shall be plainly marked with the fuse size.

(f) The distribution panelboard shall not be located in a bathroom, or in any other inaccessible location, but shall be permitted just inside a closet entry if the location is such that a clear space of 6 inches to easily ignitable materials is maintained in front of the distribution panelboard, and the distribution panelboard door can be extended to its full open position (at least 90 degrees). A clear working space at least 30 inches wide and 30 inches in front of the distribution panelboard shall be provided. This space shall extend from floor to the top of the distribution panelboard.

(g) Branch-circuit distribution equipment shall be installed in each mobile home and shall include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(1) The branch circuit overcurrent devices shall be rated: (i) not more than the circuit conductors; and (ii) not more than 150 percent of the rating of a single appliance rated 10 amperes or more which is supplied by an individual branch circuit; but (iii) not more than the fuse size marked on the air conditioner or other motor-operated appliance.

(h) A 15-ampere multiple receptacle shall be acceptable when connected to a 20-ampere laundry circuit.

(i) When circuit breakers are provided for branch-circuit protection, 230-volt circuits shall be protected by 2-pole common or companion trip, or handle-tied paired circuit breakers.

(j) A metal nameplate on the outside adjacent to the feeder assembly entrance shall read: This Connection for 120/240 Volt, 3-Pole, 4-Wire, 60 Hertz_____ Ampere Supply. The correct ampere rating shall be marked in the blank space.

§ 280.805 Branch circuits required.

(a) The number of branch circuits required shall be determined in accordance with the following:

(1) *Lighting.* Based on 3 watts per square foot times outside dimensions of the mobile home (coupler excluded) divided by 115 volts times amperage to determine number of 15- or 20-ampere lighting area circuits, e.g.,

$$\frac{3 \times \text{Length} \times \text{Width}}{115 \times 15 \text{ (or } 20)} = \text{No. of 15 (or 20) ampere circuits}$$

(2) *Portable appliances.* For the small appliance load in kitchen, pantry, family room, dining room and breakfast rooms of mobile homes, two or more 20-ampere appliance branch circuits, in addition to the branch circuit specified in § 280.805 (a) (1), shall be provided for all receptacle outlets in these rooms, and such circuits shall have no other outlets. Receptacle outlets supplied by at least two appliance receptacle branch circuits shall be installed in the kitchen.

(3) *General appliances (Including furnace, water heater, range, and central or room air conditioner, etc.).* There shall be one or more circuits of adequate rating in accordance with the following: (i) Ampere rating of fixed appliances not over 50 percent of circuit rating if lighting outlets (receptacles, other than kitchen, dining area, and laundry, considered as lighting outlets) are on same circuit; (ii) For fixed appliances on a circuit without lighting outlets, the sum of rated amperes shall not exceed the branch-circuit rating for other than motor loads or 80 percent of the branch-circuit rating for air conditioning or other motor loads; (iii) The rating of a single portable appliance on a circuit having no other outlets shall not exceed 80 percent of the circuit rating; (iv) The rating of range branch circuit shall be based on the range demand as specified for ranges in § 280.811, Item B(5) of Method 1. For central air conditioning, see Article 440 of the National Electrical Code (NFPA No. 70—1975). (v) Where laundry facilities are provided in a mobile home, a 20-ampere branch circuit shall be provided within 6 feet of the intended location of the appliance. See § 280.804(j).

§ 280.806 Receptacle Outlets.

(a) All receptacle outlets shall be:

(1) Of grounding type;

(2) Installed according to Section 210-7 of the National Electrical Code (NFPA No. 70 ___ 1975) and

(3) Except when supplying specific appliances, be parallel-blade, 15-ampere, 125-volt, either single or duplex.

(b) All 120 volt single phase, 15 and 20 ampere receptacle outlets, including receptacles in light fixtures, installed outdoors and in bathrooms shall have ground-fault circuit protection for personnel. Feeders supplying branch circuits may be protected by a ground-fault circuit-interrupter in lieu of the provision for such interrupters specified above.

(c) There shall be an outlet of the grounding type for each cord-connected fixed appliance installed.

(d) Receptacle outlets required. Except in the bath and hall areas, receptacle outlets shall be installed at wall spaces 2 feet wide or more, so that no point along the floor line is more than 6 feet, measured horizontally, from an outlet in that space. In addition, a receptacle outlet shall be installed:

(1) Over or adjacent to counter tops in the kitchen (at least one on each side of the sink if counter tops are on each side and 12 inches or over in width).

(2) Adjacent to the refrigerator and free-standing gas-range space.

(3) At counter top spaces for built-in vanities.

(4) At counter top spaces under wall-mounted cabinets.

(5) In the wall, at the nearest point where a bar type counter attaches to the wall.

(6) In the wall at the nearest point where a fixed room divider attaches to the wall.

(7) In laundry area.

(8) At least one receptacle outlet shall be installed outdoors. Receptacle outlets located in compartments accessible from outdoors shall be considered outdoor receptacles and shall be protected as required in § 280.806(b).

(9) Adjacent to bathroom basins or integral with the light fixture over the bathroom basin.

(10) Receptacle outlets are not required in the following locations: (i) wall space occupied by built-in kitchen or wardrobe cabinets, (ii) wall space behind doors which may be opened fully against a wall surface, (iii) room dividers of the lattice type, less than 8 feet long, not solid within 6 inches of the floor, (iv) wall space afforded by bar type counters.

(e) Receptacle outlets shall not be installed in or within reach (30 inches) of a shower or bathtub space.

(f) Receptacle outlets shall not be installed above electric baseboard heaters.

§ 280.807 Fixtures and appliances.

(a) Electrical materials, devices, appliances, fittings, and other equipment installed, intended for us in, or attached to the mobile home shall be approved for the application and shall be connected in an approved manner when in service. Facilities shall be provided to securely fasten appliances when the mobile home is in transit. (See § 280.809.)

(b) Specifically listed pendant-type fixtures or pendant cords shall be permitted in mobile homes.

(c) If a lighting fixture is provided over a bathtub or in a shower stall, it shall be of the enclosed and gasketed type, listed for wet locations.

(d) The switch for shower lighting fixtures and exhaust fans located over a tub or in a shower stall shall be located outside the tub shower space. (See § 280.806(e).)

(e) Any combustible wall or ceiling finish exposed between the edge of a fixture, canopy, or pan and an outlet box shall be covered with noncombustible material.

(f) Every appliance shall be accessible for inspection, service, repair, or replacement without removal of permanent construction.

§ 280.808 Wiring methods and materials.

(a) Except as specifically limited in this Part, the wiring methods and materials specified in the National Electrical Code (NFPA No. 70—1975) shall be used in mobile homes.

(b) Nonmetallic outlet boxes shall be acceptable only with nonmetallic cable.

(c) Nonmetallic cable located 15 inches or less above the floor, if exposed, shall be protected from physical damage by covering boards, guard strips, or conduit. Cable likely to be damaged by stowage shall be so protected in all cases.

(d) Nonmetallic sheathed cable shall be secured by staples, straps, or similar fittings so designed and installed as not to injure any cable. Cable shall be secured in place at intervals not exceeding 4½ feet and within 12 inches from every cabinet, box or fitting.

(e) Metal-clad and nonmetallic cables shall be permitted to pass through the centers of the wide side of 2-inch by 4-inch studs. However, they shall be protected where they pass through 2-inch by 2-inch studs or at other studs or frames where the cable or armor would be less than 1½ inches from the inside or outside surface of the studs when the wall covering materials are in contact with the studs. Steel plates on each side of the cable, or a tube, with not less than No. 16 MSG wall thickness shall be required to protect the cable. These plates or tubes shall be securely held in place.

(f) Where metallic faceplates are used they shall be effectively grounded.

(g) If the range, clothes dryer, or similar appliance is connected by metal-clad cable or flexible conduit, a length of not less than three feet of free cable or conduit shall be provided to permit moving the appliance. Type NM or Type SE cable shall not be used to connect a range or a dryer. This shall not prohibit the use of Type NM or Type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

(h) Threaded rigid metal conduit shall be provided with a locknut inside and outside the box, and a conduit bushing shall be used on the inside. Rigid nonmetallic conduit shall be permitted. Inside ends of the conduit shall be reamed.

(i) Switches shall be rated as follows:

(1) For lighting circuits, switches shall have a 10-ampere, 120–125 volt rating; or higher if needed for the connected load.

(2) For motors or other loads, switches shall have ampere or horsepower ratings, or both, adequate for loads controlled. (An "AC general-use" snap switch shall be permitted to control a motor 2 horsepower or less with full-load current not over 80 percent of the switch ampere rating).

(j) At least 4 inches of free conductor shall be left at each outlet box except where conductors are intended to loop without joints.

(k) When outdoor or under-chassis line-voltage wiring is exposed to moisture or physical damage, it shall be protected by rigid metal conduit. The conductors shall be suitable for wet locations. Electrical metallic tubing may be used when closely routed against frames and equipment enclosures.

(l) The cables or conductors shall be Type NMC, TW, or equivalent.

(m) Outlet boxes of dimensions less than those required in Table 370–6(a) of the National Electrical Code (NFPA No. 70–1975), shall be permitted provided the box has been tested and approved for the purpose.

(n) Boxes, fittings and cabinets shall be securely fastened in place, and shall be supported from a structural member of the home, either directly or by using a substantial brace. Snap-in type boxes provided with special wall or ceiling brackets that securely fasten boxes in walls or ceilings shall be permitted.

(o) Outlet boxes shall fit closely to openings in combustible walls and ceilings, and they shall be flush with such surfaces.

(p) Appliances having branch-circuit terminal connections which operate at temperatures higher than 60°C (140°F) shall have circuit conductors as described in paragraph (p) (1) and (2) of this section:

(1) Branch-circuit conductors having an insulation suitable for the temperature encountered shall be permitted to run directly to the appliance.

(2) Conductors having an insulation suitable for the temperature encountered shall be run from the appliance terminal connections to a readily accessible outlet box placed at least one foot from the appliance. These conductors shall be in a suitable raceway which shall extend for at least 4 feet.

§ 280.809 Grounding.

(a) *General.* Grounding of both electrical and nonelectrical metal parts in a mobile home shall be through connection to a grounding bus in the mobile home distribution panelboard. The grounding bus shall be grounded through the green-colored conductor in the supply cord or the feeder wiring to the service ground in the service-entrance equipment located adjacent to the mobile home location. Neither the frame of the mobile home nor the frame of any appliance shall be connected to the neutral conductor in the mobile home.

(b) *Insulated neutral.* (1) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens shall be insulated from the equipment enclosure. Bonding screws, straps, or buses in the distribution panelboard or in appliances shall be removed and discarded.

(2) Connection of ranges and clothes dryers with 115/230-volt, 3-wire ratings shall be made with 4-conductor cord and 3-pole, 4-wire grounding type plugs, or by Type AC metal-clad cable or conductors enclosed in flexible metal conduit. For 115-volt rated devices, a 3-conductor cord and a 2-pole, 3-wire grounding-type plug shall be permitted.

(c) *Equipment grounding means.* (1) The green-colored grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panelboard or disconnecting means.

(2) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard.

(3) Cord-connected appliances, such as washing machines, clothes dryers, refrigerators, and the electrical system of gas ranges, etc., shall be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(d) *Bonding of noncurrent-carrying metal parts.* (1) All exposed noncurrent-carrying metal parts that may become energized shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible treminal on the chassis.

(2) Grounding terminals shall be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used. Star washers or other approved paint-penetrating fitting shall be used to bond terminals to chassis or other coated areas. The bonding conductor shall be solid or stranded, insulated or bare and shall be No. 8 copper mini-

mum, or equal. The bonding conductor shall be routed so as not to be exposed to physical damage. Protection can be afforded by the configuration of the chassis.

(3) Metallic gas, water and waste pipes and metallic air-circulating ducts shall be considered bonded if they are connected to the terminal on the chassis (see § 280.809) by clamps, solderless connectors, or by suitable grounding-type straps.

(4) Any metallic roof and exterior covering shall be considered bonded if (i) the metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners, and (ii) if the lower panel of the metallic exterior covering is secured by metallic fasteners at a cross member of the chassis by two metal straps per mobile home unit or section at opposite ends. The bonding strap material shall be a minimum of 4 inches in width of material equivalent to the skin or a material of equal or better electrical conductivity. The straps shall be fastened with paint-penetrating fittings (such as screws and star washers or equivalent).

§ 280.810 Electrical testing.

(a) Dielectric Strength Test. The wiring of each mobile home shall be subjected to a 1-minute, 900-volt dielectric strength test (with all switches closed) between live parts (including neutral) and the mobile home ground. Alternatively, the test may be performed at 1,080 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. Fixtures or appliances which are listed shall not be required to withstand the dielectric strength test.

(b) Each mobile home shall be subjected to: (1) A continuity test to assure that metallic parts are properly bonded. (2) Operational test to demonstrate that all equipment is connected and in working order and (3) Polarity checks to determine that connections have been properly made.

§ 280.811 Calculations.

(a) The following method shall be employed in computing the supply-cord and distribution-panelboard load for each feeder assembly for each mobile home and shall be based on a 3-wire, 115/230-volt supply with 115-volt loads balanced between the two legs of the 3-wire system. The total load for determining power supply by this method is the summation of:

(1) Lighting and small appliance load as calculated below:

(i) Lighting Watts: Length times width of mobile home (outside dimensions exclusive of coupler) times 3 watts per square foot; e.g. Length × width × 3=lighting watts.

(ii) Small Appliance Watts: Number of circuits times 1,500 watts for each 20-ampere appliance receptacle circuit (See definition of "Appliance Portable" with note); e.g. Number of circuits × 1,500= small appliance watts.

(iii) Total Watts: Lighting watts plus small appliance=total watts.

(iv) First 3,000 total watts at 100 percent plus remainder at 35 percent=watts to be divided by 230 volts to obtain current (amperes) per leg.

(2) Nameplate amperes for motors and heater loads (exhaust fans, air conditioners, electric, gas, or oil heating). Omit smaller of air conditioning and heating except include blower motor if used as air conditioner evaporator motor. When an air conditioner is not installed and a 40-ampere power supply cord is provided, allow 15 amperes per leg for air conditioning.

(3) 25 percent of current of largest motor in (2).

(4) Total of nameplate amperes for: Disposal, dishwasher, water heater, clothes dryer, wall-mounted oven, cooking units. Where number of these appliances exceeds three, use 75 percent of total.

(5) Derive amperes for free-standing range (as distinguished from separate ovens and cooking units) by dividing values below by 230 volts.

Name plate rating (in watts)	*Use (in watts)*
10,000 or less	80 percent of rating.
10,001 to 12,500	8,000.
12,501 to 13,500	8,400.
13,501 to 14,500	8,800
14,501 to 15,500	9,200.
15,501 to 16,500	9,600.
16,501 to 17,500	10,000.

(6) If outlets or circuits are provided for other than factory-installed appliances include the anticipated load. The following example is given to illustrate the application of this Method of Calculation:

Example. A mobile home is 70×10 feet and has two portable appliance circuits, a 1000 watt 230 volt heater, a 200 watt 115 volt exhaust fan, a 400 watt 115 volt dishwasher and a 7000 watt electric range.

Lighting and small appliance load:	*Watts*
Lighting 70×10×3	2,100
Small appliance 1,500×2	3,000
Total	5,100
1st 3,000 W at 100 pct	3,000
Remainder (5,100−3,000=2,100) at 35 pct	735
Total	3,735

$$\frac{3,735}{230}=16 \text{ A per leg}$$

1,000 W (heater) ÷230=4.4 A.
200 W (fan) ÷115=1.7 A.
400 W (dishwaster) ÷115=3.5 A.
7,000 W (range) ×0.8÷230=24.0 A.

	Amperes per leg	
	A	B
Lighting and appliances	16	16
Heater (230 V)	4	4
Fan (115 V)	2	
Dishwasher (115 V)		4
Range	24	24
Totals	46	48

NOTE.—Based on the higher current calculated for either leg, use one 50-A supply cord.

(b) The following is an optional method of calculation for lighting and appliance loads for mobile homes served by a single 3-wire 115/230 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following Table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by Section 220-22 of the National Electrical Code. The loads identified in the Table as "other load" and as "Remainder of other load" shall include the following:

(1) 1500 watts for each 2-wire, 20-ampere small appliance branch circuit and each laundry branch circuit specified.

(2) 3 watts per square foot for general lighting and general-use receptacles.

(3) The nameplate rating of all fixed appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4 or more separately controlled space heating loads.

(4) The nameplate ampere or kVA rating of all motors and of all low-power-factor loads.

(5) The largest of the following: (i) air conditioning load; (ii) the 65 percent diversified demand of the central electric space heating load; (iii) the 65 percent diversified demand of the load of less than four separately-controlled electric -space heating units; (iv) the connected load of four or more separately-controlled electric space heating units.

OPTIONAL CALCULATION FOR MOBILE HOMES WITH 110-AMPERE OR LARGER SERVICE

Load (in kilowatt or kilovoltampere):	*Demand factor (percent)*
Air-conditioning and cooling including heat pump compressors	100
Central electric space heating	65
Less than 4 separately controlled electric space heating units	65
1st 10 kW of all other load	100
Remainder of other load	40

§ 280.812 Wiring of expandable units and dual units.

(a) Expandable or multiple unit mobile homes shall use fixed-type wiring methods and materials for connecting such units to each other.

(b) Expandable or multiple unit mobile homes not having permanently installed feeders and which are to be moved from one location to another, shall be permitted to have disconnecting means with branch circuit protective equipment in each unit when so located that after assembly or joining together of units the requirements of § 280.803 will be met.

§ 280.813 Outdoor outlets, fixtures, air-conditioning equipment, etc.

(a) Outdoor fixtures and equipment shall be listed or approved for outdoor use. Outdoor receptacles or convenience outlets shall be of a gasketed-cover type.

(b) A mobile home provided with an outlet designed to energize heating and/or air conditioning equipment located outside the mobile home, shall have per-

manently affixed, adjacent to the outlet, a metal tag which reads:

This Connection Is for Air Conditioning Equipment Rated at Not More Than _____ Amperes, at _____ Volts, 60 Hertz. A disconnect shall be located within sight of the appliance.

The correct voltage and ampere ratings shall be given. The tag shall be not less than 0.020 inch, etched brass, stainless steel, anodized or alclad aluminum or equivalent. The tag shall be not less than 3 inches by 1¾ inches minimum size.

§ 280.814 Painting of wiring.

During painting or staining of the mobile home, it shall be permitted to paint metal raceways (except where grounding continuity would be reduced) or the sheath of the nonmetallic cable. Some arrangement, however, shall be made so that no paint shall be applied to the individual wires, as the color coding may be obliterated by the paint.

§ 280.815 Polarization.

(a) The identified (white) conducter shall be employed for grounding circuit conductors only and shall be connected to the identified (white) terminal or lead on receptacle outlets and fixtures. It shall be the unswitched wire in switched circuits, except that a cable containing an identified conductor (white) shall be permitted for single-pole three-way or four-way switch loops where the connections are made so that the unidentified conductor is the return conductor from the switch to the outlet. Painting of the terminal end of the wire shall not be required.

(b) If the identified (white) conductor of a cable is used for other than grounded conductors or for other than switch loops as explained above (for a 230-volt circuit, for example), the conductor shall be finished in a color other than white at each outlet where the conductors are visible and accessible.

(c) Green-colored wires or green with yellow stripe shall be used for grounding conductors only.

§ 280.816 Examination of equipment for safety.

The examination or inspection of equipment for safety, according to this standard, shall be conducted under uniform conditions and by organizations properly equipped and qualified for experimental testing, inspections of the run of goods at factories, and service-value determinations through field examinations.

Subpart J—Transportation

§ 280.901 Scope.

Subpart J of this Standard covers the general requirement for designing the structure of the mobile home to fully withstand the adverse effects of transportation shock and vibration without degradation of the integrated structure or of its component parts and the specific requirements pertaining to the transportation system and its relationship to the structure.

§ 280.902 Definitions.

(a) "Chassis" means the entire transportation system comprising the following subsystems: drawbar and coupling mechanism, frame, running gear assembly, and lights.

(b) "Drawbar and Coupling Mechanism" means the rigid assembly, (usually an "A" frame) upon which is mounted a coupling mechanism, which connects the mobile home's frame to the towing vehicle.

(c) "Frame" means the fabricated rigid substructure which provides considerable support to the affixed mobile home structure both during transport and on-site; and also provides a platform for securement of the running gear assembly, the drawbar and coupling mechanism.

(d) "Running Gear Assembly" means the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes, with their related hardware.

(e) "Lights" means those safety lights and associated wiring required by applicable U.S. Department of Transportation regulations.

(f) "Transportation System," (Same as Chassis, above).

(g) "Highway," includes all roads and streets to be legally used in transporting the mobile home.

(h) "Length," for purposes of transportation only, means the distance from the extreme front of the mobile home to the extreme rear, including the drawbar and coupling mechanism, but not including expandable features that do not project from the body during transportation.

§ 280.903 General requirements for designing the structure to withstand transportation shock and vibration.

(a) The cumulative effect of highway transportation shock and vibration upon a mobile home structure may result in incremental degradation of its designed performance in terms of providing a safe healthy and durable dwelling. Therefore, the mobile home shall be designed, in terms of its structural, plumbing, mechanical and electrical systems, to fully withstand such transportation forces during its intended life. (See §§ 280.303 (c) and 280.305(a)).

(b) Particular attention shall be given to maintaining watertight integrity and conserving energy by assuring that structural components in the roof and walls (and their interfaces with vents, windows, doors, etc.) are capable of resisting highway shock and vibration forces during primary and subsequent secondary transportation moves.

(c) In place of an engineering analysis, either of the following may be accepted: (1) Documented technical data of suitable highway tests which were conducted to simulate transportation loads and conditions; or (2) acceptable documented evidence of actual transportation experience which meets the intent of this subpart.

§ 280.904 Specific requirements for designing the transportation system.

(a) *General.* The entire system (frame, drawbar and coupling mechanism, running gear assembly, and lights) shall be designed and constructed as an integrated, balanced and durable unit which is safe and suitable for its specified use during the intended life of the mobile home. In operation, the transportation system (supporting the mobile home structure and its contents) shall effectively respond to the control of the towing vehicle in terms of tracking and braking, while traveling at applicable highway speeds and in normal highway traffic conditions.

(NOTE: While the majority of mobile homes utilize a fabricated steel frame assembly, upon which the mobile home structure is constructed, it is not the intent of this standard to limit innovation. Therefore, other concepts, such as integrating the frame function into the mobile home structure, are acceptable provided that such design meets the intent and requirements of this part).

(b) *Specific requirements*—(1) *Drawbar.* The drawbar shall be constructed of sufficient strength, rigidity and durability to safely withstand those dynamic forces experienced during highway transportation. It shall be securely fastened to the mobile home frame by either a continuous weld or by bolting.

(2) *Coupling mechanism.* The coupling mechanism (which is usually of the socket type) shall be securely fastened to the drawbar in such a manner as to assure safe and effective transfer of the maximum loads, including dynamic loads, between the mobile home structure and the hitch-assembly of the towing vehicle. The coupling shall be equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. The coupling shall be so designed that it can be disconnected regardless of the angle of the mobile home to the towing vehicle. With the mobile home parked on level ground, the center of the socket of the coupler shall not be less than 20 inches nor more than 26 inches from ground level.

(3) *Chassis.* The chassis, in conjunction with the mobile home structure, shall be designed and constructed to effectively sustain the designed loads consisting of the dead load plus a minimum of 3 pounds per square foot floor load, (example: free-standing range, refrigerator, and loose furniture) and the superimposed dynamic load resulting from highway movement but shall not be required to exceed twice the dead load. The integrated design shall be capable of insuring rigidity and structural integrity of the complete mobile home structure and to insure against deformation of structural or finish members during the intended life of the home.

(4) *Running gear assembly.* (i) The running gear assembly, as part of the chassis, shall be designed to perform, as a balanced system, in order to effectively sustain the designed loads set forth in § 280.904(b)(3) and to provide for dur-

able dependable safe mobility of the mobile home. It shall be designed to accept shock and vibration, both from the highway and the towing vehicle and effectively dampen these forces so as to protect the mobile home structure from damage and fatigue. Its components shall be designed to facilitate routine maintenance, inspection and replacement.

(ii) Location of the running gear assembly shall be determined by documented engineering analysis, taking into account the gross weight (including all contents), total length of the mobile home, the necessary coupling hitch weight, span distance, and turning radius. The coupling weight shall be not less than 12 percent nor more than 25 percent of the gross weight.

(5) *Spring assemblies.* Spring assemblies (springs, hangers, shackles, bushings and mounting bolts) shall be capable of withstanding all the design loads as outlined in 280.904(b)(3) without exceeding maximum allowable stresses for design spring assembly life as recommended by the spring assembly manufacturer. The capacity of the spring system shall assure, that under maximum operating load conditions, sufficient clearance shall be maintained between the tire and mobile home frame or structure to permit unimpeded wheel movement and for changing tires.

(6) *Axles.* Axles, and their connecting hardware, shall be capable of withstanding all of the design loads outlined in § 280.904(b)(3) without exceeding maximum allowable stresses for design axle life as recommended by the axle manufacturer. The number of axles required to provide a safe tow and good ride characteristics shall be determined and documented by engineering analysis. Those alternatives listed in § 280.903(c) may be accepted in place of such an analysis.

(7) *Hubs and bearings.* Hubs and bearings shall meet the requirements of § 280.904(b)(3) and good engineering practice. Both of these components shall be accessible for inspection, routine maintenance and replacement of parts.

(8) *Tires, wheels and rims.* Tires, wheels and rims shall meet the requirements of § 280.904(b)(3). Tires shall be selected for anticipated usage.

(9) *Brake assemblies.* (i) The number, type, size and design of brake assemblies required to assist the towing vehicle in providing effective control and stopping of the mobile home shall be determined and documented by engineering analysis. Those alternatives listed in § 280.903(c) may be accepted in place of such an analysis.

(ii) Brakes on the towing vehicle and the mobile home shall be capable of assuring that the maximum stopping distance from an initial velocity of 20 miles per hour does not exceed 40 feet (U.S. Department of Transportation Regulations).

(10) *Lights and associated wiring.* Highway safety electrical lights and associated wiring shall conform to applicable federal requirements in terms of location and performance. The manufacturer shall have the option of meeting this requirement by utilizing a temporary light/wiring harness provided by the mobile home transportation carrier.

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federal register

THURSDAY, DECEMBER 18, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

PRESCRIPTION DRUGS

Reminder Labeling and Reminder Advertisements

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 75N-0271]

REMINDER LABELING AND REMINDER ADVERTISEMENTS FOR PRESCRIPTION DRUGS

The Commissioner of Food and Drugs is amending, effective January 19, 1976, the regulations concerning reminder labeling and reminder advertisements under §§ 201.100 and 202.1 (21 CFR 201.100 and 202.1, formerly 21 CFR 1.106 and 1.105 respectively) to: (1) Delete the quantitative formula information requirement from reminder advertisements under § 202.1, (2) prohibit the use of reminder advertisements and reminder labeling, other than price lists and catalogs intended to convey price information to consumers, for prescription drug products whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product, and (3) specify, under a new § 200.200 (21 CFR 200.200, proposed as 21 CFR 1.111), the required information to be included in reminder labeling and reminder advertisements whose sole purpose is to convey prescription price information to consumers. The regulation does not, however, require the public disclosure of prescription price information.

These amendments were proposed in notices published in the FEDERAL REGISTER of November 21, 1973 (38 FR 32140) and June 19, 1974 (39 FR 21165). In stating the comments and the Commissioner's response, the recodified section numbers are used.

In response to the November 21, 1973 proposal, 137 comments or inquiries were received from trade and professional associations, chain drug stores, individual pharmacists, university professors, individual consumers, manufacturers, consumer organizations, boards of pharmacy, and Federal and State agencies. The majority of comments were directed to proposed § 200.200. Some comments favored the objectives of the proposal but offered suggestions for modification based on experience with public disclosure, i.e., advertising or posting, of prescription drug prices. A few comments objected to the proposal without stating the reasons for such objections. Some comments expressed objections, based upon an erroneous interpretation of that proposal, that the regulation would require public disclosure of prescription drug prices. Two comments, one from a manufacturer and one from a professional association, were received on the June 19, 1974 proposal regarding the use of reminder advertisements and reminder labeling for prescription drugs whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product. The comments submitted and the Commissioner's conclusions are as follows:

1. One consumer organization expressed the view that the Food and Drug Administration and the White House Office of Consumer Affairs "have launched a campaign to legalize the advertising of prescription prices on the grounds that price competition can be a spur to reducing health cost." The comment disagreed with the view that consumer "price shopping" is the most effective way of achieving a reduction in health costs. The comment stated that health costs can be reduced more effectively by a cooperative system of consumers, pharmacists, physicians, and other health care providers working together as this organization is attempting to do.

The Commissioner wishes to make it clear that the Food and Drug Administration has not "launched a campaign" on the issue of the advertising of prescription drug prices. The Federal Food, Drug, and Cosmetic Act requires the Food and Drug Administration to regulate all prescription drug advertising and labeling; therefore, this agency is obligated to promulgate whatever requirements are applicable for drug price disclosure. Retail pharmacies are neither required by the act to publicly disclose prescription drug price information, nor are they prohibited from posting price lists or otherwise publicly disclosing the prices charged for particular drug prescriptions. These amendments will ensure that the public disclosure of prescription prices, where the pharmacist elects to post or otherwise advertise prices for prescription drugs, meets all requirements of the act. The decision to engage in public disclosure of prescription prices is not for the Food and Drug Administration to make; these amendments merely constitute a mechanism by which this can be done consistent with the requirements for labeling and advertising under the Federal Food, Drug, and Cosmetic Act.

2. A number of comments objected to the detailed information which would be required under the proposed § 200.200 for reminder advertisements and reminder labeling when the only purpose is to provide consumers with information concerning the price charged for a prescription for a particular drug. The comments stated that price posting should be simple and readable.

The Commissioner agrees that the public disclosure of prescription prices should be simple and readable regardless of the type of media used to convey such information to the consumer. The final regulation has, therefore, been revised to simplify the requirements. The Commissioner concludes that all reminder advertisements and reminder labeling intended to provide consumers with information concerning the price charged for a prescription for a drug product shall contain the proprietary name of the drug product, if any; the established (generic) name of the drug product, if any; the drug product's strength if it is a single active ingredient product or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient; the dosage form; and the price charged for a prescription for a specific quantity of the drug product. The price stated in the reminder advertisement or reminder labeling as that charged for a prescription shall include all charges applicable to the consumer including, but not limited to, the cost of the drug product, professional fees, and handling fees, if any. Other written, printed, or graphic matter is permitted in reminder advertisements or reminder labeling intended to provide prescription price information to consumers, provided such information is not false or misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use. The Commissioner points out that it is not the intent of this regulation to prohibit the inclusion of a statement in reminder advertisements or reminder labeling that discounts or price reductions are available to certain groups of consumers, e.g., senior citizens.

3. Several comments argued that consumers need valid information reflecting "value" and not just price alone with regard to prescription drug expenditures, and that adequate information on which to make price-value comparisons and judgments is not required under the proposed § 200.200. The proposed regulation required that the price stated in the reminder advertisement or reminder labeling for a prescription include all charges to the consumer including, but not limited to, the cost of the drug product, professional fees, handling fees, and mailing fees, if any. The comments suggested that the regulation require a statement as to what professional and/or convenience services are provided by a pharmacy and, if provided, whether they are included as a component of the price charged for the prescription. One comment suggested that charges which are not regularly included in all sales transactions be listed separately, if at all, and that mailing fees be listed separately without repetition.

The Commissioner concludes that information relating to those professional and/or convenience services provided by a pharmacy may be included in reminder advertisements and reminder labeling intended to provide consumers with price information under § 200.200. As previously stated, the listed price must include all charges including professional and/or convenience services which are applicable to the consumer. The cost for those services which are not applicable to all consumers, e.g., delivery fees and mailing fees, if any, may be listed separately and without repetition. Therefore, § 200.200 has been revised accordingly. As noted in item 2. of this preamble, the reminder advertisement or reminder labeling may also specify that discounts or price reductions are available to specific groups of consumers, e.g., senior citizens.

4. A number of comments questioned the need for the established name of the drug product when its trade name is declared or when it is not marketed generically. Some comments recommended posting the drug product by its commonly prescribed name rather than by the trade name and established name, if any.

The Commissioner advises that the requirement for including the established name of the drug product, if any, in reminder advertisements and reminder labeling under § 200.200 is consistent with the mandate of the Federal Food, Drug, and Cosmetic Act to require labeling to contain the established name of a drug product and with the intent of Congress to associate the established name of a drug product with its proprietary name. This mandate and intent apply to single active ingredient products and to those products containing more than one active ingredient which have an established (generic) name regardless of whether the product is marketed generically. The Commissioner advises that there are few established names for products containing more than one active ingredient and concludes that, in the absence of an established name for a combination product, it would be impracticable to require the established name for each active ingredient, particularly on price boards or posters. In addition, the Commissioner concludes that requiring the established (generic) name of a drug product only when the product is marketed generically would be an administrative burden to the pharmacist. This would require that a pharmacist know when a drug product becomes available from multiple sources and to update his reminder advertisement or reminder labeling periodically to add the established name to each such drug product.

Further, the Food and Drug Administration would like to encourage generic thinking on the part of physicians, pharmacists, and consumers. This policy is furthered by established (generic) name listing, even though the drug product may not be available generically.

5. Comments similarly questioned the need for the established name and quantity of each active ingredient in the drug product.

The Commissioner concludes that requiring lengthy formula information may result in confusion to the consumer without any corresponding benefits. Therefore, the established name and quantity of each active ingredient for a drug product containing more than one active ingredient is not required for reminder advertisements and reminder labeling solely intended to convey prescription price information to consumers. Although section 502(e)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 201.10 (a), (c)(1), and (h) regarding drug labeling and 21 CFR 202.1 (a) and (e)(2)(i) regarding drug advertising require the established name of each active ingredient, such requirements may be waived by regulation "to the extent that compliance * * * is impracticable * * *." The Commissioner has found, on the basis of samples of price posters and catalogs previously submitted and put on display in the office of the Hearing Clerk, that compliance may be impracticable, particularly on price boards or posters. This requirement has therefore been waived for reminder advertisements and reminder labeling solely intended to provide consumers with the price for a prescription for a drug product. However, the quantity of the active ingredient, i.e., drug product strength, shall be required for reminder advertisements and reminder labeling under § 200.200 for all drug products containing a single active ingredient and for those drug products containing more than one active ingredient to which a relevant strength figure can be associated with the product without indicating each active ingredient, e.g., product A contains chlorothiazide 250 milligrams and reserpine 0.125 milligram; product B contains chlorothiazide 500 milligrams and reserpine 0.125 milligram—relevant strengths of 250 milligrams and 500 milligrams could be indicated for products A and B respectively. The Commissioner concludes that a drug product's strength is essential information to a consumer in determining the price for a prescription for a particular drug product. Although a drug product may not be marketed in more than one strength, a medical practitioner may indicate a drug product's strength on a prescription.

6. Objections were submitted to the requirement that the name of the manufacturer, packer, or distributor of the drug product be indicated and in the same way that it appears on the label of the drug product. The comments stated that the firm name that appears on the label is often not the manufacturer of the drug product; therefore such information would be useless information to the consumer in making price comparisons between manufacturers. One comment argued that inclusion of the name of the "supplier" would endorse the view that generic drugs are "significantly differentiable."

The Commissioner sees no basis for concluding that indicating the name of the manufacturer, packer, or distributor, or supplier would endorse the view that generic drugs are significantly differentiable. However, he concurs in part with the comment that the name of the manufacturer, packer, or distributor is not essential for determining the price of a prescription for a drug product and has deleted this requirement in the final regulation. This regulation does not intend to provide information that would permit comparison of prices between manufacturers, nor does it, however, prohibit a pharmacy from including the name of the manufacturer, packer, or distributor in the reminder advertisement or reminder labeling, if the pharmacy chooses to do so. If included, the firm name may appear in an acceptable abbreviated form provided such abbreviation is not in conflict with that known to be used by any other firm.

7. Comments also objected to requiring designation of the dosage form when the drug product has only one dosage form.

The Commissioner concludes that, in light of medical practitioners' detailed and specific prescribing habit of indicating a drug product's dosage form on a prescription regardless of whether the product is available in more than one dosage form, it is in the public interest to require this information in reminder advertisements and reminder labeling solely intended to provide consumers with price information for a prescription for a drug product. The absence of dosage form information on a price board or poster when a prescription contains such information may be confusing to a consumer.

8. Comments stated that optional information, such as the National Drug Code (NDC) number and package and dosage form trade name, could tend to overload an advertisement with unnecessary information and become a visual distraction or be used by States to require information which would, as a practical matter, discourage advertising.

The Commissioner agrees in part with the comment but concludes that reminder advertisements and reminder labelinb intended to convey prescription price information to a consumer should not be prohibited from containing additional information which may be useful to a consumer. The final regulation under § 200.200 has been modified to state that other written, printed, or graphic matter may be included in reminder advertisements and reminder labeling provided such additional information is neither false nor misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use. The Commissioner advises that if reminder advertisements and reminder labeling under § 200.200 become replete with information not of value to a consumer, or are burdened by trivial, useless requirements intended to discourage advertising, a proposal to amend the regulation will be justified to limit the amount of permissible additional information.

9. Two comments objected to the proposal to permit disclosure of the prices charged for prescription drugs receiving no higher than a "possibly effective" DESI evaluation. One comment also objected to disclosure of prescription prices for those drug products required to carry a boxed warning statement in their advertising and labeling. These comments stated that such drugs may not be the subject of reminder labeling and reminder advertisement under §§ 201.100 and 202.1, respectively. The comments argued that, if promotion of such drugs to physicians and pharmacists is not justified, then promotion of these same drugs to the general public is equally inappropriate.

The Commissioner advises that reminder labeling under § 201.100 and reminder advertisements under § 202.1 are intended to call attention to the name of the drug product, and thereby bring to the attention of the physician the availability of a drug product, but do not include indications or dosage recommendations for use of the drug product, whereas reminder advertisements and reminder labeling under § 200.200 are intended to convey price information on prescription drugs to a consumer. A consumer may purchase a prescription drug only upon a prescription from a medical practitioner. Price posting thus neither promotes nor induces purchase, but

only permits informed purchasing decisions after a drug has been prescribed. As long as a drug product is commercially available, a medical practitioner may prescribe it, and, therefore, conveying the price for such a product to a consumer should not be prohibited. Accordingly, no change in the regulation is warranted.

10. One comment objected to the use in proposed § 200.200 of the "sole purpose" wording in stating the conditions for exemption for prescription drug reminder labeling and reminder advertisements from the requirements of §§ 201.100 and 202.1. The comment contended that "those who choose to advertise drug product price information aimed at consumers by means of reminder advertisements and/or reminder labeling obviously have as their purpose creating demand for their particular services or products." The comment requested deletion of the "sole purpose" wording from the proposed § 200.200.

The Commissioner does not agree that the purpose of disclosing drug product price information is to create a demand for a particular product. He has determined that the use of these words is necessary to underscore that the sole purpose of reminder advertisements and reminder labeling under § 200.200 is to provide price information to a consumer. Therefore, no change in the regulation is necessary.

11. Comments were received arguing that the requirements for all forms of reminder advertisements and reminder labeling should be consistent. As proposed, § 200.200 would require the quantitative disclosure of the active ingredients, name of the manufacturer, packer or distributor, dosage form, and price information, but such information is not required under §§ 201.100 and 202.1. The comments differed as to whether the additional required information under § 200.200 should be added to §§ 201.100 and 202.1 or deleted from § 200.200. Some comments contended that it is just as important that reminder labeling and reminder advertisements under §§ 201.100 and 202.1, respectively, which are directed to a physician, contain quantitative ingredient information, dosage form, and price information as it is for this information to be conveyed to a consumer, and that §§ 201.100 and 202.1 should be revised to contain such information. Another comment urged that, if these regulations are truly to benefit the public, they must require that all reminder advertisements and reminder labeling created by manufacturers, packers, and distributors specify the price charged pharmacists for specific quantities of the drug product involved. The comment argued that, if consumer benefits warrant the imposition of the requirements on pharmacists, they warrant its imposition equally on manufacturers, packers, and distributors since pharmacists are "consumers" in fact and also serve as "purchasing agents" for the consumers they serve.

The Commissioner advises that the information required for reminder labeling and reminder advertisements under §§ 201.100 and 202.1, respectively, and for reminder advertisements and reminder labeling under § 200.200 is that information deemed necessary to fulfill the intent of the reminder advertisement or reminder labeling under these sections. The intent of reminder labeling under § 201.100 or reminder advertisements under § 202.1 is to bring to the attention of the medical practitioner the availability of a drug product by calling attention to the name of the drug product. The quantitative ingredient information, name of manufacturer, packer, or distributor, dosage form information and price information are not considered necessary information for fulfilling this intent. Such information may, however, be included in reminder labeling or reminder advertisements under §§ 201.100 and 202.1 as optional information. Further, any price information contained in these reminder advertisements or reminder labeling would not indicate the actual price that a pharmacy would pay for purchasing the drug product or the price a consumer would pay for a prescription since such prices are determined by factors over which a medical practitioner has no control, e.g., purchase of the drug product by the retail pharmacy direct from the manufacturer, packer, or distributor vs. purchase through a wholesaler, quantity of drug product purchased, dispensing fee, etc.

The intent of reminder advertisements and reminder labeling under § 200.200 is to provide consumers with information concerning the price charged for a prescription for a particular drug product. Price is, therefore, a necessity under § 200.200. Quantitative ingredient information, except for single active ingredient drug products, and the name of the manufacturer, packer, or distributor are not required in the final regulation as revised. The dosage form of a drug product is required and is discussed under paragraph 7 of this preamble.

12. One comment suggested that the Food and Drug Administration may be premature in its efforts to implement regulations which would "stifle any further exploration, testing, or examination of new methods and means of providing meaningful information to the consumer."

The proposal to promulgate § 200.200 was in response to numerous inquiries concerning the agency's policy on the posting of prescription prices and to correct misunderstandings as to the agency's requirements. Price disclosure, as part of labeling and advertising, whether in the form of a price list, catalog, or other promotional material and whether mailed, posted in a pharmacy, placed in a newspaper, or aired on radio or television, is subject to Food and Drug Administration regulation. Section 200.200 was promulgated as a separate section in order to enable a pharmacist to clearly understand the precise requirements of reminder advertisements and reminder labeling which are solely intended to provide consumers with information concerning the price charged by a pharmacy for a prescription for a drug product. In addition, by specifying the kinds of required information, the Commissioner intends to ensure that such reminder advertisements and reminder labeling contain all the information needed by a consumer to make effective price determinations.

The Commissioner encourages exploration, testing, and examination of new methods and means of providing meaningful information to the consumer. If problems arise, the Commissioner may restrict the flexibility permitted by this regulation at a later date (as noted in comment 8).

13. Comments were received recommending modification of the proposed regulations so as not to override or conflict with more stringent State and local requirements relating to advertising or price posting of prescription drugs.

The Commissioner acknowledges that this regulation would override State and local requirements which cannot be complied with simultaneously with this regulation, e.g., one which excludes data required to be included by this regulation. The Food and Drug Administration is, however, obligated under the Federal Food, Drug, and Cosmetic Act to assure that such advertising meets the requirements of the act. Section 200.200 provides a mechanism for public disclosure of prescription drug prices consistent with the requirements of the act and provides consumers with the information needed to make meaningful prescription drug price determinations. This regulation does not require the public disclosure of prescription drug prices and therefore does not inhibit States from prohibiting such advertising under their jurisdiction.

The Commissioner is aware of one State law which is in conflict with this final regulation but has not conducted a survey to determine whether there are other conflicting State or local laws. He invites any State or locality that now has or wishes to adopt an order which would conflict with this regulation to submit a petition to the Food and Drug Administration requesting amendment of the requirements of § 200.200.

14. Numerous comments expressed concern that possible price posting/advertising would favor the discount and large chain operations because the independent pharmacies would have to eliminate their professional services in order to compete with the low prices posted by discount and large chain operations. Several comments also expressed concern that these regulations might restrict or destroy the professionalism of the practice of pharmacy because of the possibility that professional services, to remain competitive, would be restricted or even eliminated and that pharmacist-patient interaction would be reduced by eliminating the need for direct consumer inquiry to the pharmacist concerning drug prices and pharmacy services.

The Commissioner concludes that, in the absence of data supporting the fears expressed by the comment, e.g., from States where price posting is already in effect, it is difficult to perceive how the disclosure of prescription drug prices will

result in an elimination of professional services or in any way interfere with a pharmacist's professional function. Also, the economics of the practices of pharmacy are very complex and many factors interrelate between the large discount chain operations and the independent pharmacies. It appears unlikely that any single action such as the posting of prices for prescription drugs will interfere with the professionalism associated with the practice of pharmacy.

15. One comment suggested stressing that any deviation from § 200.200 would result in the drug product being considered misbranded.

The Commissioner agrees with this comment and has modified § 200.200 by adding a new paragraph (c) to state that any reminder advertisement or reminder labeling intended to provide price information to consumers which is not in compliance with the provisions of this regulation shall be the subject of appropriate regulatory action. Such action may be taken against the product and/or the responsible person.

16. Three comments stated that since those organizations who have mail-order prescription service programs would have to revise their catalogs to comply with the provisions of proposed § 200.200, it is not in the public interest in a time of shortages and economic slowdown to destroy catalogs now in stock or in circulation.

The Commissioner has considered the economic impact that § 200.200 may have on organizations who publish catalogs or have other existing reminder advertisements or reminder labeling intended to provide prescription prices to a consumer. He has concluded that it is not unreasonable to expect some reminder labeling, e.g., catalogs, to be revised annually and possibly more frequently in order to provide consumers with up-to-date information on the availability of drug products and their current prices. Therefore, the effective date for revision of existing reminder advertisements and reminder labeling, including catalogs, to bring them into compliance with § 200.200 shall be 12 months from the effective date of this regulation or at the time of the next printing/revision, whichever occurs first.

17. One comment stated that, as published, the proposal prohibits reminder advertisements and reminder labeling from containing "representations or suggestions relating to the drug product" and that such wording is too narrow. The comment argued that communications to practitioners of information such as quality controls used in the production of particular drugs or the physical or chemical quality of a substance should not require accompanying prescribing information and should be covered by the exemptions of §§ 201.100 and 202.1. The comment further recommended revising the definition of reminder labeling and reminder advertisements under these sections to read "Those reminder advertisements (or reminder labeling) * * * or other written, printed or graphic matter otherwise containing no representations or suggestions relating to dosage or indications of the drug product."

Reminder labeling under § 201.100 and reminder advertisements under § 202.1 are permitted to have "other written, printed, or graphic matter" in addition to the required information, provided such "other written, printed, or graphic matter" contains no representation or suggestion relating to the advertised drug product. The Commissioner points out that this regulation in no way prohibits a manufacturer from communicating information on quality control procedures or the physical or chemical qualities of a substance to a physician by a means other than through reminder advertisements or reminder labeling. If information relating to quality control procedures or the physical or chemical quality of a substance is included in a reminder advertisement or reminder labeling in a manner that is false or misleading or implies safety or effectiveness or otherwise contains a representation or suggestion relating to the advertised drug, the reminder advertisement or reminder labeling would be in violation of the law. Each reminder advertisement or reminder labeling containing such information would have to be reviewed on an individual basis to determine compliance with §§ 201.100 and 202.1.

18. One comment referred to section 201(n) of the act and stated that this section specifically provides that any regulations regarding prescription drug advertising shall be under the procedure set forth in section 701(e) of the act.

The Commissioner advises that section 201(n) of the act does not have such a reference and believes that the comment meant to refer to section 502(n) of the act, which includes a reference to section 701(e). The reference to section 701(e) applies only to section 502(n)(3) concerning the promulgation of rules regarding information in brief summary relating to side effects, contraindications, and effectiveness of a drug. These regulations do not establish such requirements. Rather, they deal with advertisements which are exempt from the "brief summary" requirements. The promulgation of these regulations is therefore appropriate under the general rule making authority in section 701(a) of the act.

19. One comment expressed concern that the proposed regulations would prohibit the advertising of products such as vitamins or antibiotics because that would be a "representation or suggestion relating to the drug product." The comment stated that this proposed regulation is "at odds with the current advertising practices which categorize drug products."

The Commissioner advises that categorizing prescription drug products by the use of headings that suggest indications on a price list or other reminder advertisement or reminder labeling is prohibited under this regulation. Where indications for use of a drug are included in a price list, the list must contain a brief summary relating to side effects, contraindications, and effectiveness of the drug. Reminder advertisements and reminder labeling are exempt from the requirements of such a brief summary because they serve to call attention to the name of a drug product without indicating the use of the drug product. This regulation does not, however, prohibit the use of the terms "vitamin" (when a vitamin preparation is deemed to be a drug as set forth under §§ 250.109 and 250.110 (21 CFR 250.109 and 250.110) or when such a product is offered solely as a drug) or "antibiotic" in listing a drug product if such a term is part of the drug product's proprietary or established (generic) name.

20. One comment was directed to the fact that the proposed regulations may stimulate and encourage mass advertising by pharmaceutical manufacturers in public media such as television, radio, and magazines to gain a greater market share for so-called lower cost equivalents, particularly if such consumer educational efforts have the blessing and encouragement of the Food and Drug Administration.

This regulation neither encourages nor discourages consumer educational efforts by pharmaceutical manufacturers. The industry may undertake whatever promotional efforts it deems advisable as long as they meet all applicable legal requirements.

21. One professional association commented that if the regulation relating to advertising of prescription prices is not eliminated, it should be amended to require that the name of the actual manufacturer be placed on the label of all drugs and medicines sold to licensed retail pharmacies, hospitals, and other facilities.

The Commissioner concurs that requiring the actual manufacturer's name on a label might well be useful if a means can be found to define the "actual manufacturer" and if the act is changed to include this requirement. The matter is being studied further. The possibility of requiring the actual manufacturer's name on a label of a drug product is not, however, relevant to the proposal and therefore no action need be taken in this final regulation.

22. Comments suggested that, if prices are posted for large quantities, i.e., 50 or 100 dosage units, the price should also be posted for one dosage unit so as not to be misleading to the consumer who may have the erroneous impression that lesser amounts will be a pro rata multiple of the posted quantity. It was also suggested that the quantities posted should be those normally prescribed. One comment recommended that the regulation express some guidance regarding permissible quantity claims in order to avoid improper use of price disclosures.

As stated in the preamble to the proposal, it is not the intent of this regulation to specify the format of reminder advertisements and reminder labeling under § 200.200. The Commissioner recognizes that there are other ways to include the required and optional information in the reminder advertisement or reminder labeling other than that indicated in the example given in the proposal. Therefore, there is no requirement as to which drug products are to be listed or what quantity of a drug product is to

be included in the reminder advertisement or reminder labeling. For example, if a pharmacy wishes to indicate the price for one tablet or one capsule, it may do so. The Commissioner believes that pharmacies will exercise good judgment in indicating the price for a given quantity of a drug product and, therefore, is of the opinion that the regulation should not express guidance regarding permissible quantities for which prices are to be posted. The Commissioner does not object to a statement in the reminder advertisement or reminder labeling that prices for quantities not stated are available from the pharmacy.

23. One comment stated that advertising a specific quantity of a specific drug for a specific price would tend to promote that quantity of drug to the general public.

The Commissioner rejects this argument. Section 200.200 relates to the disclosure of prices for prescriptions for drug products. The drug product, and usually the quantity, to be purchased are specified by the medical practitioner on the prescription. The patient is merely using a listing of prescription drug products and their prices as a means of determining what that particular prescription will cost.

24. Several comments expressed concern that encouragement of prescription drug price advertising would promote self-medication and self-prescribing and lead to drug abuse and misuse by consumers who pressure their physicians to prescribe larger quantities and cheaper drugs. Some comments requested prohibiting the posting of the prices of controlled substances or of any drug which, in the opinion of the Food and Drug Administration, is detrimental to the public health and safety. A few comments felt that the posting of prices places drugs in the same category as other common commodities. One comment stated that the only type of drug advertising should be that which is educational to the public.

The Commissioner does not agree with these comments. The purpose of § 200.200 is to assist persons in preparing reminder advertisements and reminder labeling to make public the prices they charge for prescriptions for drug products and to assure that such reminder advertisements and reminder labeling contain all of the information needed by a consumer to make a price determination. Further, this regulation is applicable to those drug products which are available to the consumer only on prescription from a medical practitioner. The Commissioner is not aware of any evidence that drug product price disclosure leads to drug abuse and misuse. Therefore, it cannot be concluded that price listing alone, exclusive of promotional features, of a drug product subject to prescription by State-licensed medical practitioners will contribute to these drug-related problems. In addition, since access to and use of prescription drugs are tightly controlled, the posting of the prices for such drugs simply does not place them in the same category as other common commodities on the market.

The Commissioner rejects the request to prohibit the posting of prices for controlled substances or of any drug which, in the opinion of the Food and Drug Administration, is detrimental to the public health and safety. A medical practitioner may prescribe any drug product which is in commercial distribution; therefore, the public disclosure of the price for a prescription for any such drug product, including a controlled substance, should not be prohibited.

The Commissioner does not agree that drug advertising should be limited to that which is educational to the public. Reminder advertisements and reminder labeling directed to a physician or a consumer are equally important and should be permitted provided they are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act.

25. Several comments stated that physicians and dentists are not required to post their fees and questioned why proposed § 200.200 was not applicable to all practitioners of the healing arts. One comment questioned whether the regulation was applicable to hospital pharmacists and, if so, whether the prices would be applicable to both the out-patient and hospitalized patient.

The Commissioner advises that § 200.200 does not require drug price posting by anyone; however, if physicians, pharmacists, or other practitioners of the healing arts post drug prices, they must do so in accordance with this regulation. The Food and Drug Administration does not have jurisdiction over the practice of these professions, but does have jurisdiction over the labeling and advertising of prescription drugs, including prescription drugs which have been shipped in interstate commerce and are being held for dispensing to patients, under section 301(k) of the act (21 U.S.C. 331 (k)). The Commissioner advises that § 200.200 will apply to all persons responsible for prescription drug advertising and labeling intended to convey price information to consumers.

26. Three comments pointed out the following typographical errors in the proposal: In § 202.1(e)(2)(i), line 13—the word "quality" should be changed to "quantity"; and in § 200.200(a)(1), the last four lines reading "no representation or suggestion * * * indications for use" are redundant with the statement in § 200.200(a)(4) and should be deleted.

The Commissioner agrees with these comments and the final regulations have been revised accordingly.

27. Several comments questioned whether all matters relating to prices charged for drugs and pharmaceutical services are within the jurisdiction of the Food and Drug Administration. One comment argued that enforcement of this regulation would be severely restricted since "FDA does not have any inspectional authority over pharmacies through the general inspection authority under the act."

The Commissioner advises that the Food and Drug Administration has jurisdiction over the labeling and advertising of prescription drugs. Price disclosure, as part of prescription drug labeling and advertising, is subject to Food and Drug Administration regulation. The Commissioner concludes that any deviation from the requirements of this regulation will result in misbranding and that section 704(a) of the Federal Food, Drug, and Cosmetic Act provides inspectional authority necessary for enforcement of this regulation.

28. One comment suggested that the boxed warning criteria be more specifically defined in the proposed regulation prohibiting reminder advertisements and reminder labeling for drug products that are required to contain boxed warning statements in their advertisements and labeling. The comment interpreted the proposal as not intending to cover those products that still carry a box stating the effectiveness status as determined by the NAS/NRC review, nor intending to cover products that carry a special boxed statement not related to fatalities or serious damage.

The Commissioner advises that the regulation covers only those drug products whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product and is not intended to cover other types of existing boxed warnings or boxed statements. The wording in the regulation has been revised accordingly.

29. The Federal Trade Commission (FTC) published a proposal regarding disclosure regulations concerning retail prices for prescription drugs in the FEDERAL REGISTER of June 4, 1975 (40 FR 24031). This Food and Drug Administration regulation differs, as to required information, from the FTC proposed alternative definition of "price information" in that it does not require the established name and quantity of each active ingredient for multiple active ingredient drug products nor the name of the manufacturer, packer, or distributor for any drug product; see paragraphs 5 and 6 of this preamble. In addition, under this final regulation the price stated for a drug product includes all charges to the consumer including, but not limited to, the cost of the drug product, professional fees and handling fees, if any. In light of the comments and hearings on the FTC proposal, the Food and Drug Administration may review its position with respect to whether further information should be provided to the consumer for determining a price for a prescription and whether there is a need to revise this regulation at a later date.

30. Proposed §§ 201.100(f) and 202.1(e)(2)(i) contain the wording "If the Commissioner finds * * * incidence of fatalities or serious damage * * *." The Commissioner has made an editorial change in the final regulation by replacing the term "damage" with the more appropriate term "injury."

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 701(a), 52 Stat. 1041, 1050–1051 as amended by 76 Stat. 791, 1055 (21 U.S.C. 321(n), 352, 371(a))) and under author-

ity delegated to the Commissioner (21 CFR 2.120), Parts 200, 201, and 202 are amended as follows:

PART 200—GENERAL

1. In Part 200, a new Subpart E consisting of § 200.200 is added, to read as follows:

Subpart E—Prescription Drug Consumer Price Listing

§ 200.200 Prescription drugs; reminder advertisements and reminder labeling to provide price information to consumers.

(a) Prescription drug reminder advertisements and reminder labeling intended to provide price information to consumers are exempt from the requirements of §§ 201.100 and 202.1 of this chapter if all of the following conditions are met:

(1) The only purpose of the reminder advertisement or reminder labeling is to provide consumers with information concerning the price charged for a prescription for a particular drug product, and the reminder advertisement or reminder labeling contains no representation or suggestion concerning the drug product's safety, effectivness, or indications for use.

(2) The reminder advertisement or reminder labeling contains the proprietary name of the drug product, if any; the established (generic) name of the drug product, if any; the drug product's strength if the product contains a single active ingredient or if the product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient (the established name and quantity of each active ingredient are not required); the dosage form; and the price charged for a prescription for a specific quantity of the drug product.

(3) The reminder advertisement or reminder labeling may also include other written, printed, or graphic matter, e.g., identification of professional or convenience services provided by the pharmacy: *Provided*, That such information is neither false nor misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use.

(4) The price stated in the reminder advertisement or reminder labeling as that charged for a prescription shall include all charges to the consumer including, but not limited to, the cost of the drug product, professional fees, and handling fees, if any. Mailing fees and delivery fees, if any, may be stated separately and without repetition.

(b) This exemption from §§ 201.100 and 202.1 of this chapter is applicable to all prescription drug reminder labeling and reminder advertisements solely intended to provide consumers with information regarding the price charged for prescriptions including price lists, catalogs, and other promotional material, whether mailed, posted in a pharmacy, placed in a newspaper, or aired on radio or television.

(c) Any reminder advertisement or reminder labeling intended to provide consumers with prescription price information which is not in compliance with this section shall be the subject of appropriate regulatory action. Such action may be taken against the product and/or the responsible person.

PART 201—LABELING

2. In Part 201, § 201.100(d)(2) is revised and a new paragraph (f) is added, to read as follows:

§ 201.100 Prescription drugs for human use.

* * * * *

(d) * * *

(2) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed.

* * * * *

(f) Reminder labeling which calls attention to the name of the drug product but does not include indications or dosage recommendations for use of the drug product is exempted from the provisions of paragraph (d) of this section. This reminder labeling shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; the established name of each active ingredient in the drug product; and, optionally, information relating to quantitative ingredient statements, dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the drug product. If the Commissioner finds that there is evidence of significant incidence of fatalities or serious injury associated with the use of a particular prescription drug, he may withdraw this exemption by so notifying the manufacturer, packer, or distributor of the drug by letter. Reminder labeling, other than price lists and catalogs solely intended to convey price information including, but not limited to, those subject to the requirements of § 200.200 of this chapter, is not permitted for a prescription drug product whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. Reminder labeling which is intended to provide consumers with information concerning the price charged for a prescription for a particular drug product shall meet all of the conditions contained in § 200.200 of this chapter. Reminder labeling, other than that subject to the requirements of § 200.200 of this chapter, is not permitted for a drug for which an announcement has been published pursuant to a review of the labeling claims for the drug by the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that reminder labeling may be misleading to prescribers of drugs subject to NAS/NRC evaluation, such reminder labeling will not be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

PART 202—PRESCRIPTION DRUG ADVERTISING

3. In Part 202, § 202.1(e)(2)(i) is revised to read as follows:

§ 202.1 Prescription drug advertisements.

* * * * *

(e) * * *

(2) * * *

(i) *Reminder advertisements.* Reminder advertisements are those which call attention to the name of the drug product but do not include indications or dosage recommendations for use of the drug product. These reminder advertisements shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; the established name of each active ingredient in the drug product; and, optionally, information relating to quantitative ingredient statements, dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug product. If the Commissioner finds that there is evidence of significant incidence of fatalities or serious injury associated with the use of a particular prescription drug, he may withdraw this exemption by so notifying the manufacturer, packer, or distributor of the drug by letter. Reminder advertisements, other than those solely intended to convey price information including, but not limited to, those subject to the requirements of § 200.200 of this chapter, are not permitted for a prescription drug product whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. Reminder advertisements which are intended to provide consumers with information concerning the price charged for a prescription for a drug product are exempt from the requirements of this section if they meet all of the conditions contained in § 200.200 of this chapter. Reminder advertisements, other than those subject to the requirements of § 200.200 of this chapter, are not permitted for a drug for which an announcement has been published pursuant to a review on the labeling claims for the drug by the National Academy of Sciencies/National Research Council (NAS/NRC), Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that a reminder advertisement may be misleading to prescribers of drugs subject to NAS/NRC evaluation, such advertisements will not

be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

* * * * *

Effective date. This regulation shall become effective on January 19, 1976, except that § 200.200 shall not be effective for existing reminder advertisements and reminder labeling intended to provide prescription price information to consumers until such advertisements and labeling are revised at the time of the next printing or until December 18, 1976, whichever occurs first.

(Secs. 201(n), 502, 701(a), 52 Stat. 1041, 1050–1051 as amended by 76 Stat. 791, 1055 (21 U.S.C. 321(n), 352, 371(a)).)

Dated: December 9, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-33909 Filed 12-17-75;8:45 am]

federal register

THURSDAY, DECEMBER 18, 1975



PART IV:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

FEDERAL ELECTION COMMISSION

[Notice 1975-95]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-36, 1975-54 and 1975-60. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-36

PAYMENT OF ADMINISTRATIVE COSTS INCURRED BY A CORPORATION ON BEHALF OF A POLITICAL ACTION COMMITTEE OPERATING AS A SEPARATE SEGREGATED FUND

The Federal Election Commission issues this Advisory Opinion under 2 U.S.C. 437f in response to a request submitted by the Committee for Thorough Agricultural Political Education. The request was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36534). Interested parties were given an opportunity to submit comments relating to the request. No comments were received.

The Committee for Thorough Agricultural Political Education (C-TAPE), a multicandidate political committee, requests an opinion as to whether the payment of an obligation of a predecessor committee would be a violation of the Federal Election Campaign of 1971, as amended. (FECA)

In 1972 and 1973, the Trust for Agricultural Political Education (TAPE) transferred funds in the amount of $1,931,541.09 to C-TAPE. C-TAPE was established by the Associated Milk Producers, Inc. (AMPI). The Commission is informed that in the normal course C-TAPE reimburses AMPI for expenses that AMPI incurs on its behalf. However, TAPE did not reimburse AMPI or its predecessor, Milk Producers, Inc. (MPI) for any expenses incurred during the period 1969 through March 1972. On June 19, 1975, AMPI billed C-TAPE for the TAPE expenses in the amount of $162,500 for that period. C-TAPE indicated that it considers the bill rendered for the expenses to be reasonable. C-TAPE has requested an advisory opinion on whether the payment of the bill from AMPI would violate the FECA.

It is the opinion of the Commission that C-TAPE's payment of the bill submitted by AMPI would not violate the FECA nor any of the provisions of Title 18, United States Code, which are within the advisory opinion jurisdiction of the Commission. C-TAPE must, of course, disclose the payment in the appropriate report.

The Commission's approval of the described transaction is conditioned on the validity of an assumption that the payment by C-TAPE is not made in satisfaction of any obligation previously incurred by AMPI in violation of applicable Federal law.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-54

APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITATIONS TO EACH ELECTION HELD IN A STATE

The Federal Election Commission renders this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by Mr. Kent Shearer on behalf of the Utah Republican Central Committee. This request was made public by the Commission and published in the FEDERAL REGISTER on September 3, 1795 (40 FR 40679). Interested parties were given an opportunity to submit comments relating to the requests. No comments were received.

Mr. Shearer seeks an advisory opinion concerning the Utah nominating process. At the respective State Nominating Conventions held by the political parties, primary candidates are reduced to two individuals. If, however, one candidate receives 70 percent of the vote he or she becomes the nominee without a primary. The specific question is whether the limitations on contributions and expenditures contained in 18 U.S.C. 608 (b) and (c) would apply separately to each phase of the nominating process (i.e., convention and primary).

The contribution limitations established in 18 U.S.C. 608(b) (1) and (2) apply separately to each election for Senators and Representatives. 18 U.S.C. 608(b)(5). Election, as defined in 18 U.S.C. 591(a) means, *inter alia*, (1) a general, special, primary, or run-off election or (2) a convention or caucus of a political party held to nominate a candidate. The Commission is of the opinion that a caucus or convention of a political party, such as the Utah State Nominating Convention, which is held prior to a primary election but which does *not* select a nominee is *not* a separate election. Such a caucus or convention is, in essence, a step in the nominating process and will be considered a part of the primary election. In the event the convention nominates a candidate by the requisite number of votes the nominating process and therefore the primary process ends. Accordingly, in Utah, an individual or political committee may contribute to a candidate up to the applicable limit in 18 U.S.C. 608(b) with respect to the nominating process.

The expenditure limitations in 18 U.S.C. 608(c)(1) (C) and (E) apply "in the case of any campaign for nomination for election" for Senator or Representative. A candidate is, therefore, subject to a single expenditure limitation for the time period during which he or she is seeking the nomination, regardless of whether the process includes a convention, primary or other procedure.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-60

RAFFLE AS FUNDRAISER FOR FEDERAL CANADIDATE

This advisory opinion is issued pursuant to 2 U.S.C. § 437f in response to a request for an advisory opinion submitted by Salvadore Gionfriddo, Chairman, Citizens for Moffett, and published as AOR 1975-60 in the September 18, 1975, FEDERAL REGISTER (40 FR 43166) and supplemented by a request published in the October 20, 1975, FEDERAL REGISTER (40 FR 49066). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The original request asked generally whether a raffle contemplated by supporters of Congressman Toby Moffett, which would be conducted in compliance with the laws of the State of Connecticut and featuring the sale of tickets to the general public, would be legitimate under the Federal Election Campaign Act of 1971, as amended (hereinafter FECA). Specifically the request asked:

a. Would such a raffle constitute a legal fundraising activity under the FECA?

b. Can a labor union serving under State law as a raffle sponsor, promote and operate the raffle?

c. Can union volunteers contribute their time without remuneration during their normal time off from regular employment to promote such raffle activities?

d. If a labor union acts within State laws as the raffle sponsor and accordingly turns over the net proceeds to Congressman's campaign fund, should such funds be reported by the Congressman as the contributions of the union or as the contributions of individuals whose names and addresses were recorded at the time they purchased raffle tickets.

Mr. Gionfriddo, in further communication with the Commission, has indicated that a Democratic Town Committee has been designated as the official sponsor of the raffle. Since that portion of this request pertaining to union participation is moot, Mr. Gionfriddo has requested the Commission to issue an advisory opinion only on the first question of this request.

It is the opinion of the Commission that a raffle properly conducted under applicable State law would not violate the FECA. The Commission notes, however, that several provisions of Federal law specifically pertain to lotteries. The Postal Service has jurisdiction over 39 U.S.C. 3005. The several sections of

Chapter 61, Title 18, United States Code specifically pertain to lotteries. The Commission refers Mr. Gionfriddo to the Department of Justice which has jurisdiction over the entire chapter for any clarification of the applicability of this chapter to the fundraising raffle. The Federal Communications Commission has concurrent power with the Justice Department to enforce one of the sections of this chapter, 18 U.S.C. 1304.

In the supplemental request published in the October 20th REGISTER, Mr. Gionfriddo raised two additional questions. The first of these questions is

[I]f a raffle ticket purchaser chooses to pay by check, must the check be written to the sponsoring organization which is likely to be a union or Democratic Town Committee, or to the benefiting organization, Citizens for Moffett, or may it be written to either?

Since the union will not be a sponsor, this question is limited to whether the check should be made out to the Democratic Town Committee or to Citizens for Moffett. Because the raffle is a fundraising event for Congressman Moffett, the checks should be made out to Citizens for Moffett. If the checks are to be made out to the Democratic Town Committee, all solicitations must expressly and clearly state that the contributions or raffle ticket purchases will be used by Congressman Moffett's campaign. In addition, the drawer or contributor should, wherever possible, indicate clearly on the face of the instrument or otherwise direct that the proceeds of the check are to be considered a contribution from the drawer to Citizens for Moffett. In either situation, the Democratic Town Committee would be considered an intermediary or conduit. The Committee would have to report the original source and the intended recipient of such contribution to the Commission and to the intended recipient. 18 U.S.C. 608(b)(6).

In order to avoid any confusion, the Commission suggests that the checks be made out to Citizens for Moffett and that any checks made out to the Democratic Town Committee be returned with the request that they be issued payable to Citizens for Moffett.

The second question raised in the supplemental request is as follows:

[I]f the net total of funds raised exceeds the total debt of Citizens for Moffett, can Citizens for Moffett retain the surplus; if it cannot, should the surplus funds be retained by the sponsoring organization, returned to ticket purchasers, or disbursed in some other fashion?

If the purpose of this fundraiser is to retire pre-1975 campaign debts, the Commission sets forth the following guidelines which supplement the general procedures discussed in response to the previous question. Contributors purchasing tickets in excess of $100 must expressly earmark the contribution (as by notation on a check) for initial use to retire pre-1975 debts. If the contributions are so restricted, they will not be subject to the contribution limits of 18 U.S.C. 608(b). If any excess funds remain after liquidation of the pre-1975 debts, they may be used in any manner consistent with 2 U.S.C. 439a. Moreover, if the donors giving in excess of $100 provide specific written authorization, excess funds remaining after the repayment of the pre-1975 debt may be turned over to the 1976 campaign fund. Specific authorization is not required from persons contributing less than $100. A turnover of excess funds is subject to the limits of 18 U.S.C. 608(b). The Commission refers Mr. Gionfriddo to Advisory Opinion 1975-82 for a detailed discussion of fundraising to retire pre-1975 campaign deficits. (40 FR 57757).

If the purpose of the fundraiser is to retire a campaign debt incurred with respect to an election after January 1, 1975, the surplus may be retained by Citizens for Moffett. Contributions to retire debts incurred for elections after January 1, 1975, are subject to the limitations of 18 U.S.C. 608(b).

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 12, 1975.

VERNON W. THOMSON,
Commissioner for the
Federal Election Commission.

[FR Doc.75-34008 Filed 12-17-75;8:45 am]

federal register

THURSDAY, DECEMBER 18, 1975



PART V:

DEPARTMENT OF LABOR

Employment and Training Administration

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

DEPARTMENT OF LABOR

Employment and Training Administration

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

Notice is hereby given that the Employment and Training Administration has made the following allocations of funds for Fiscal Year 1976 under Titles I, II and VI of the Comprehensive Employment and Training Act of 1973, P.L. 93-203, as amended:

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 1

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
REGION I	28,280,894	111,706,925	148,682,237
CONNECTICUT	6,279,307	24,012,062	30,718,395
BRIDGEPRT CSRT	822,753	3,236,393	4,486,172
HARTFORD CSRT	1,164,446	4,239,178	5,403,624
NEW HAVEN CSRT	712,187	2,677,900	3,390,087
STAMFORD CSRT	270,567	954,995	1,225,562
WATERBURY CITY	350,361	1,436,710	1,787,071
BAL OF CONN	2,958,993	11,466,886	14,425,879
MAINE	2,262,443	9,004,154	11,469,827
PENOBSOCT CNTY	253,920	992,372	1,447,928
CUMBERLAND CNTY	362,468	1,358,407	1,722,469
BAL OF MAINE	1,646,055	6,653,375	8,299,430
MASSACHUSETTS	14,332,393	57,118,028	76,343,414
BOSTON	1,751,669	7,099,970	11,976,209
EMHRDA CSRT	788,910	3,132,978	4,906,912
NEW BEDFORD CSRT	580,343	2,422,112	3,002,455
HAMPDEN CNTY CSRT	1,215,304	4,903,836	6,269,454
WORCESTER CSRT	657,156	2,533,255	3,190,411
LOWELL CSRT	601,714	2,427,018	3,217,026
BROCKTON CSRT	486,104	1,914,818	2,845,713
BAL OF MASS	8,251,193	32,684,041	40,935,234
NEW HAMPSHIRE	1,287,119	4,677,364	6,169,781
ROCKHM/STAFFRD CSR	360,771	1,330,152	1,690,923
HILLSBOROUGH CNTY	410,436	1,502,451	1,912,887
BAL OF NEW HAMPSHI	515,912	1,844,761	2,565,971
RHODE ISLAND	3,161,825	13,160,834	16,322,659
PROVIDENCE	713,425	3,005,113	3,718,538
BAL OF R.I.	2,448,400	10,155,721	12,604,121
VERMONT	957,807	3,734,483	7,658,161
BAL OF VERMONT	957,807	3,734,483	7,658,161
REGION II	53,951,645	212,406,029	357,021,888
NEW JERSEY	13,542,791	52,574,753	85,936,967
ATLANTIC COUNTY	413,509	1,661,512	3,880,488
HUDSON COUNTYY	816,470	3,281,124	8,466,451
JERSEY CITY	485,920	1,901,564	4,630,986
MONMOUTH COUNTY	744,197	2,706,725	4,617,820
ESSEX COUNTY	961,981	3,565,737	4,527,718
NEWARK CITY	1,188,202	4,974,857	10,166,644
MORRIS COUNTY	479,453	1,813,798	2,293,251

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 2

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
UNION COUNTY	664,947	2,481,349	3,166,296
ELIZABETH CITY	254,241	989,468	1,243,709
MIDDLEXEX COUNTY	1,041,087	3,855,326	5,632,680
BERGEN COUNTY	1,350,954	4,811,983	6,162,937
PASSAIC COUNTYD	555,259	2,097,343	3,862,309
PATERSON CITY	405,850	1,674,919	4,198,752
MERCER COUNTY	120,241	648,899	769,140
TRENTON CITY,	216,499	840,071	1,559,143
CUMBERLAND COUNTY	336,420	1,381,305	2,216,747
BURLINGTON COUNTY	634,227	2,498,578	3,393,012
CAMDEN COUNTY	709,436	2,718,479	3,427,915
CAMDEN CITY	360,175	1,511,850	1,872,025
GLOUCESTER COUNTY	388,653	1,536,785	2,096,044
OCEAN COUNTY	428,367	1,654,591	2,877,707
SOMERSET CNTY	155,049	687,132	842,181
BAL OF N.J.	811,654	3,221,358	4,033,012
NEW YORK	33,649,953	131,383,227	205,034,340
ALBANY CSRT	430,614	1,516,820	1,947,434
RENSSELAER CNTY	251,995	930,768	1,182,763
SARATOGA COUNTY	207,786	783,400	991,186
SCHENCTADY CNTY	253,645	923,040	1,176,685
ERIE CSRT	1,254,972	4,931,094	6,186,066
BUFFALO CITY	1,421,623	5,965,744	8,460,514
NIAGARA COUNTY	651,700	2,704,631	4,414,610
BROOME COUNTY	326,331	1,180,519	1,506,850
CHEMUNG COUNTY	184,765	708,616	893,381
NEW YORK CITY	15,393,608	60,237,720	109,505,003
ROCKLAND COUNTY	296,065	1,089,803	1,385,868
WESTCHESTER CSRT	1,095,384	4,058,081	5,153,465
YONKERS CITY	379,482	1,460,579	1,840,061
NASSAU COUNTY CSRT	1,939,276	6,832,830	8,772,106
SUFFOLK CNTY CSRT	1,719,247	6,393,677	8,112,924
DUTCHESS COUNTY	104,879	670,598	775,477
MONROE/ROCHSTR CSR	636,016	3,038,325	3,674,341
OSWEGO CNTY	270,475	1,112,107	1,382,582
ONONDAGA COUNTY	386,223	1,364,733	1,750,956
SYRACUSE CITY	378,381	1,432,043	1,810,424
ONEIDA COUNTY	495,779	1,949,303	2,445,082
CHAUTAUQUA CSRT	541,776	2,095,745	2,637,521
ORANGE COUNTY	506,969	1,993,799	2,500,768
ST LAWRENCE CNTY	282,954	1,069,181	1,428,063
ULSTER COUNTY	338,576	1,349,408	1,687,984
STEUBEN CNTY	204,989	797,313	1,002,302
BAL OF NEW YORK	3,716,443	14,793,350	22,409,924
PUERTO RICO	6,758,901	28,448,049	66,050,581
PONCE MUNICIPIO	443,913	1,892,284	5,126,510

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 3

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
BAYAMON MUNICIPIO	291,387	1,171,756	3,003,075
CAROLINA MUNICIPIO	151,059	565,085	1,103,214
SAN JUAN CSRT	1,115,149	4,514,280	9,831,584
MAYAGUEZ MUNICIPIO	220,994	915,964	2,358,609
CAGUAS MUNICIPIO	313,720	1,341,965	3,705,899
BAL OF PUERTO RICO	4,222,679	18,046,715	40,921,690
REGION III	35,163,935	138,694,268	188,337,868
DELAWARE	1,134,501	4,392,853	5,880,078
WILMINGTON	255,525	1,054,882	1,663,131
BAL OF DEL	878,976	3,337,971	4,216,947
MARYLAND	4,876,762	20,315,218	25,852,541
BALTIMORE CSRT	3,303,667	12,127,392	15,431,059
MONTGOMERY COUNTY	0	998,451	998,451
PRINCE GEORGES CNT	195,909	1,808,768	2,099,348
WESTERN MD CSRT	641,839	2,525,882	3,733,611
BAL OF MD	735,347	2,854,725	3,590,072
PENNSYLVANIA	19,360,027	75,272,093	99,589,170
LEHIGH VALLEY CSRT	850,039	3,121,485	3,971,524
S. ALLEGHN. CSRT	883,653	3,419,465	6,090,967
ERIE CTY	215,353	787,530	1,002,883
ERIE CNTY	217,600	794,825	1,012,425
SUSQUEHANNA CSRT	136,613	1,593,370	1,729,983
LANCASTER CSRT	683,480	2,425,391	3,108,871
BUCKS COUNTY	743,463	2,773,182	3,516,645
CHESTER COUNTY	204,759	979,831	1,184,590
DELAWARE COUNTY	994,815	3,635,560	4,630,375
MONTGOMERY COUNTY	666,513	2,904,442	3,570,955
PHILADELPHIA	3,725,982	14,695,521	18,606,105
ALLEGHANY COUNTY	1,331,189	4,628,117	5,959,306
PITTSBURGH	985,276	3,812,830	5,580,134
BEAVER COUNTY	260,845	919,627	1,180,472
WASHINGTON COUNTY	292,029	1,069,212	1,361,241
WESTMORELAND CTY	674,812	2,614,566	3,809,407
BERKS COUNTY	411,170	1,417,232	1,828,402
LACKAWANNA COUNTY	360,404	1,469,922	1,830,326
SCRANTON	281,298	1,142,237	1,423,535
LUZERNE COUNTY	706,776	2,749,090	3,714,699
YORK COUNTY	433,458	1,557,604	1,991,062
LYCOMING CSRT	357,377	1,424,451	1,781,828
TRI-COUNTY CSRT	384,618	1,376,202	1,760,820
FAYETTE COUNTY	257,772	1,004,034	2,506,678
FRANKLIN COUNTY	84,426	438,689	523,115
LAWRENCE COUNTY	211,684	836,286	1,047,970
MERCER CNTY CSRT	588,643	2,202,852	2,946,042

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 4

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
SCHUYKILL CSRT	491,011	1,961,039	2,461,197
CENTER CNTY	138,769	487,646	626,415
NORTHUMBERLAND CNT	262,954	1,074,837	1,352,934
BAL OF PENN	1,523,246	5,955,018	7,478,264
VIRGINIA	6,058,912	24,955,192	31,559,917
PENNINSULA CSRT	450,471	1,594,813	2,045,284
STAMA	952,940	3,358,918	4,857,677
RAMPS	203,613	1,085,216	1,288,829
HENRICO CNTY CSRT	0	402,384	402,384
ROANOKE CSRT	423,323	1,557,651	1,980,974
ARLINGTON COUNTY	45,217	492,155	537,372
FAIRFAX COUNTY	0	798,956	798,956
PRINCE WM COUNTY	13,895	208,574	222,469
ALEXANDRIA CITY	0	228,581	228,581
BAL OF VA	3,969,447	15,227,944	19,197,391
WEST VIRGINIA	2,625,509	9,789,667	15,719,572
W. VA. STATEWIDE	2,625,509	9,789,667	15,719,572
WASHINGTON D.C.	1,108,224	3,969,245	9,736,590
WASHINGTON D.C.	1,108,224	3,969,245	9,736,590
REGION IV	63,817,292	253,875,283	322,015,485
ALABAMA	5,128,392	21,238,874	26,367,266
BIRMINGHAM CSRT	586,810	2,739,348	3,326,158
HUNTSVILLE CSRT	355,269	1,375,877	1,731,146
MOBILE CSRT	342,152	1,774,936	2,117,088
MONTGOMERY CSRT	245,482	997,172	1,242,654
TUSCALOOSA COUNTY	95,019	624,557	719,576
BAL OF ALABAMA	3,503,660	13,726,984	17,230,644
FLORIDA	15,951,985	62,078,105	81,681,799
VOLUSIA COUNTY	414,197	1,628,389	2,042,586
LEE COUNTY	361,092	1,453,351	1,814,443
ALACHUA COUNTY	160,873	562,621	723,494
BREVARD COUNTY	570,667	2,329,235	4,415,748
ORANGECNTY/ORLAND	1,102,996	4,375,265	5,478,261
ESCAMBIA CNTY	356,506	1,343,256	1,699,762
SARASOTA COUNTY	309,593	1,231,692	1,541,285
PASCO COUNTY	160,277	648,327	808,604
PALM BEACH COUNTY	963,035	3,795,104	4,758,139
HRTLND MNPWR CSRT	884,443	2,682,606	5,502,914
MIAMI/DADE CSRT	2,844,071	10,771,089	13,615,160
NE FLA MNPWR CSRT	852,561	2,997,979	3,850,540
BROWARD CSRT	1,955,006	7,898,523	9,853,529
LEON/GADSDEN CSRT	254,195	907,073	1,161,268

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FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
ST PETRSBG CSRT	1,041,316	3,981,835	5,023,151
TAMPA CSRT	1,194,438	4,601,599	5,796,037
MANATEE CNTY	240,759	962,833	1,203,592
SEMINOLE CNTY	272,401	1,085,788	1,358,189
BAL OF FLORIDA	2,213,559	8,821,538	11,035,097
GEORGIA	9,873,393	38,309,562	48,183,555
ATLANTA	1,656,970	6,709,888	8,366,858
FULTON COUNTY	343,482	1,289,574	1,633,056
DEKALB COUNTY	684,259	2,446,183	3,130,442
COBB COUNTY	506,331	1,969,531	2,476,362
CSRA CSRT	462,715	1,737,583	2,200,298
SAV/CHATHAM CSRT	269,466	993,418	1,262,884
MID. GA CSRT	447,307	1,684,612	2,131,919
COLUMBUS AREA CSRT	253,691	952,535	1,206,226
CLAYTON CNTY	206,731	772,465	979,196
BAL OF GEORGIA	5,042,541	19,753,773	24,796,314
KENTUCKY	4,068,228	15,971,888	20,711,317
KENTON COUNTY	210,630	778,104	988,734
LOUISVILLE CSRT	540,859	2,644,120	3,184,979
BLUEGRASS MA CSRT	100,156	743,876	844,032
RURAL CEP	490,093	1,779,148	2,940,442
BAL OF KENT	2,726,490	10,026,640	12,753,130
MISSISSIPPI	3,263,862	11,993,261	15,257,123
JACKSON CSRT	283,407	980,442	1,263,849
BAL OF MISS	2,980,455	11,012,819	13,993,274
NORTH CAROLINA	13,398,008	53,168,996	66,267,004
BUNCOMBE COUNTY	371,089	1,476,782	1,847,871
CUMBERLAND COUNTY	232,137	852,277	1,084,414
GASTON COUNTY	382,600	1,479,363	1,861,963
ONSLOW COUNTY	97,175	375,329	472,504
CHARLOTTE	717,507	2,859,560	3,577,067
WINSTON-SALEM CSRT	628,678	2,533,691	3,162,369
RALEIGH CSRT	554,066	2,104,394	2,658,460
WAKE CNTY	0	387,801	387,801
GREENSBORO-GUILFOR	545,353	1,989,333	2,534,686
DURHAM CSRT	188,755	1,006,341	1,195,096
ALAMANCE CNTY	266,073	1,056,856	1,322,929
BAL OF N.C.	9,114,575	37,047,269	46,161,844
SOUTH CAROLINA	6,231,613	24,937,003	31,168,616
S. CAROLINA CSRT	6,231,613	24,937,003	31,168,616
TENNESSEE	6,201,211	26,177,594	32,378,805
CHATTANOOGA	210,125	765,922	976,047

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 6

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
HAMILTON COUNTY	76,126	495,804	571,930
NASHVILLE/DAVIDSON	568,328	2,536,126	3,104,454
SULLIVAN COUNTY	0	332,889	332,889
KNOXVILLE CSRT	191,919	952,827	1,144,746
MEMPHIS CSRT	515,635	2,816,916	3,332,551
BALANCE OF TENN	4,639,078	18,277,110	22,916,188
REGION V	80,859,526	329,220,839	438,801,876
ILLINOIS **	13,344,133	58,520,448	72,970,287
CHICAGO	5,504,524	20,852,585	26,357,109
COOK COUNTY	717,231	7,877,417	8,594,648
DU PAGE COUNTY	20,315	1,215,465	1,235,780
KANE COUNTY	163,487	1,139,938	1,303,425
LAKE COUNTY	572,135	2,038,416	2,610,551
MACON COUNTY	269,054	1,066,093	1,335,147
MCHENRY COUNTY	179,491	632,892	812,383
ROCK ISLAND COUNTY	43,245	529,586	572,831
TAZEWELL COUNTY	18,160	270,647	288,807
LA SALLE COUNTY	205,126	794,797	999,923
ROCKFORD CSRT	583,003	2,293,432	2,876,435
CHAMPAIGNE CSRT	19,307	523,810	543,117
WILL COUNTY CSRT	468,127	1,713,720	2,649,512
SANGAMON CNTY CSRT	114,509	638,859	753,368
MADISON CNTY CSRT	554,935	2,160,552	2,947,587
ST CLAIR CSRT	472,300	1,769,393	2,540,388
PEORIA CSRT	63,423	587,135	650,558
EAST ST LOUIS	211,776	897,187	1,216,212
SHAWNEE CSRT	157,433	660,861	818,294
MCLEAN CNTY	141,566	517,269	658,835
BAL OF ILLINOIS	2,864,983	10,340,394	13,205,377
INDIANA	9,911,785	39,290,897	51,486,392
GARY	323,029	1,226,919	2,030,480
HAMMOND	57,874	408,584	466,458
LAKE CNTY	109,511	742,304	851,815
ELKHART CNTY	374,850	1,528,939	1,903,789
SOUTH BEND	251,994	956,222	1,208,216
ST JOSEPH CNTY	209,804	775,978	985,782
TIPPECANOE CNTY	88,691	456,777	545,468
MADISON CNTY	390,900	1,609,875	2,000,775
VIGO CNTY	30,863	396,079	426,942
INDIANAPOLIS	1,475,324	5,503,176	6,978,500
LA PORTE CNTY	175,364	650,384	825,748
FT WAYNE CSRT	1,018,570	4,015,145	5,033,715
DELAWARE CSRT	326,974	1,295,241	1,622,215
SOUTHWESTERN CSRT	636,933	2,454,124	3,091,057
BAL OF INDIANA	4,441,104	17,271,150	23,515,432

**ILLINOIS ALLOCATIONS ARE BASED ON PROVISIONAL UNEMPLOYMENT ESTIMATES

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FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
MICHIGAN	27,569,440	114,248,849	152,439,014
WAYNE CNTY	2,656,692	10,805,821	13,462,513
DETROIT	5,545,476	23,909,287	32,220,994
DEARBORN	250,022	976,669	1,226,691
LIVONIA	194,258	732,178	926,436
MONROE CNTY	305,741	1,242,321	1,548,062
BAY CNTY	357,515	1,484,985	1,842,500
SAGINAW CNTY.	540,904	2,183,905	3,252,204
OAKLAND CNTY	2,935,561	12,128,474	15,064,035
ST CLAIR CNTY	496,513	2,120,769	5,059,090
CALHOUN CNTYS	378,564	1,522,489	1,901,053
KALAMAZOO CNTY	442,904	1,704,473	2,147,377
BERRIEN CNTY	506,694	2,087,833	2,594,527
OTTAWA CNTYS	318,260	1,258,369	1,576,629
ANN ARBOR/WASH CSR	817,983	3,361,670	4,179,653
KENT CNTY CSRT	1,606,617	6,486,704	8,093,321
MUSKEGON CSRT	449,371	1,824,551	2,273,922
GENESEE/FLINT CSRT	1,871,314	7,884,297	14,640,902
LANSING CSRT	1,019,303	4,072,070	5,091,373
JACKSON CSRT	808,949	3,309,483	4,118,432
MACOMB CNTY	1,304,638	5,353,099	6,657,737
WARREN CITY	466,109	1,877,936	2,344,045
BAL OF MICHIGAN	4,296,052	17,921,466	22,217,518
MINNESOTA	5,172,736	19,233,562	38,969,596
DULUTH	170,595	644,984	1,162,081
DAKOTA CNTY	168,118	588,622	756,740
URB. MINN. CSRT	2,013,385	7,107,705	9,121,090
ST PAUL CITY	547,096	1,990,620	3,584,886
RAMSEY CNTY	188,480	691,166	879,646
REGION III CSRT	286,434	1,019,431	4,056,385
MINN RCEP	577,362	2,158,176	10,184,579
BAL OF MINNESOTA	1,221,266	5,033,458	9,224,189
OHIO	18,714,609	72,817,983	91,532,592
CINCINNATI	996,558	3,901,840	4,898,398
BUTLER CNTY	601,346	2,445,011	3,046,357
CLARK CNTY	230,303	822,795	1,053,098
HAMILTON CNTY	238,328	1,676,336	1,914,664
LICKING/DEL CSRT	254,196	936,600	1,190,796
LORAIN CNTY	485,415	1,847,709	2,333,124
AKRON CSRT	1,314,405	4,919,880	6,234,285
CANTON CSRT	791,981	2,914,317	3,706,298
CLEVELAND CSRT	2,874,980	10,377,301	13,252,281
COLUMBUS CSRT	983,506	4,334,241	5,319,747
MIAMI VALLEY CSRT	1,027,787	3,782,385	4,810,172
GREENE CNTY	128,405	544,401	672,806

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FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
TOLEDO CSRT	1,324,128	5,214,101	6,538,229
NE OHIO MNPWR CSRT	1,589,970	6,216,480	7,806,450
ALLEN CNTY	332,430	1,356,437	1,688,867
CLERMONT CNTY CSRT	493,853	1,915,400	2,409,253
BAL OF OHIO	5,045,018	19,612,749	24,657,767
WISCONSIN	6,146,823	25,109,100	31,403,995
OUTAGAMIE CNTY	34,302	359,013	393,315
ROCK CNTY	323,809	1,298,534	1,716,688
MILWAUKEE CNTY	1,838,392	6,803,945	8,642,837
MADISON-DANE CSRT	120,012	822,594	942,606
WOW CSRT	119,554	1,227,316	1,346,870
WINNE-FOND CSRT	246,032	1,169,731	1,415,763
TRICO CETAC	231,036	1,464,468	1,695,504
MARATHON COUNTY	160,598	586,866	747,464
RURAL CEP	337,521	1,348,703	1,739,951
BAL OF WISCONSIN	2,735,067	10,027,930	12,762,997
REGION VI	18,490,090	89,335,135	135,890,404
ARKANSAS	3,887,129	15,107,213	19,776,923
CENT. ARK CSRT	643,445	2,300,921	2,944,366
TEXARKANA CSRT	70,622	267,016	1,120,219
BAL OF ARK	3,173,062	12,539,276	15,712,338
LOUISIANA	5,040,616	19,734,173	43,667,890
RAPIDES PARISH	209,896	820,910	1,265,217
BATON ROUGE	319,224	1,286,688	2,471,248
LAFAYETTE PARISH	38,842	280,529	345,143
CALCASIEU/JEFFERSO	267,906	1,001,243	2,731,707
OUACHITA PARISH	221,177	860,094	1,081,271
NEW ORLEANS CITY	1,075,066	4,130,073	11,509,247
JEFFERSON PARRISH	194,945	1,140,524	1,668,140
SHREVEPRUT	327,799	1,235,148	1,562,947
BAL OF LOUISIANA	2,385,759	8,978,964	21,032,910
NEW MEXICO	1,626,703	6,016,449	11,359,563
ALBUQUERQUE	569,245	2,091,826	5,255,599
BAL OF NEW MEXICO	1,057,458	3,924,623	6,103,964
OKLAHOMA	1,307,712	8,072,518	9,435,213
COMANCHE CNTY	49,115	241,754	345,852
OKLAHOMA CNTY	0	358,333	358,333
OKLAHOMA CTY CSRT	242,502	1,648,042	1,890,544
TULSA CSRT	131,340	1,119,249	1,250,589
BAL OF OKLAHOMA	884,755	4,705,140	5,589,895
TEXAS	6,527,930	40,404,782	51,650,815

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FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
PANHANDLE MA CSRT	7,934	513,764	521,698
CAPITAL AREA CSRT	0	861,081	861,081
SE TEX COMP MA CSR	472,346	1,682,101	2,154,447
CAMERON COUNTY	368,568	1,455,720	2,247,651
COASTAL BEND CSRT	399,568	1,592,004	1,991,572
DALLAS CITY	47,647	2,304,702	2,352,349
DALLAS COUNTY	0	1,431,169	1,431,169
EL PASO CTY/CNTY	694,073	2,700,243	3,502,447
FT WORTH CSRT	162,524	1,740,063	1,902,587
TARRANT COUNTY	7,062	282,006	289,068
GALVESTON CNTY	0	466,322	466,322
HOUSTON	765,429	4,583,451	5,348,880
HARRIS COUNTY	0	880,449	880,449
CENTRAL TEXAS CSRT	12,611	334,995	347,606
HIDALGO CNTY CSRT	424,057	1,679,124	5,057,731
ALAMO CSRT	1,407,636	5,087,893	6,495,529
REGION IX CSRT	345,134	1,220,626	1,565,760
N TEXAS PLAN CSRT	0	396,673	396,673
WEBB COUNTY	245,895	1,057,710	2,435,664
TEXARKANA CSRT	109,465	410,346	519,811
BRAZORIA CSRT	0	632,671	632,671
BAL OF TEXAS	1,157,981	9,091,669	10,249,650
REGION VII	7,879,827	45,343,589	53,231,094
IOWA	1,754,465	9,855,746	11,610,211
CENT IOWA RALG CRT	143,996	1,520,829	1,664,825
LINN CNTYCSRT	61,543	436,325	497,868
BLACKHAWK COUNTY	64,523	368,090	432,613
WOODBURY COUNTY	121,801	456,983	578,784
SCOTT COUNTY	47,372	323,495	370,867
BAL OF IOWA	1,315,230	6,750,024	8,065,254
KANSAS	852,608	6,061,558	6,914,166
KANSAS CITY CSRT	364,807	1,388,842	1,753,649
TOPEKA CSRT	299,917	822,954	1,122,871
JOHNSON CNTY CSRT	0	797,173	797,173
WICHITA CTY	102,311	756,291	858,602
BAL OF KANSAS	85,573	2,296,298	2,381,871
MISSOURI	4,327,330	23,307,255	27,642,263
KANSAS CITY CSRT	1,327,337	5,050,238	6,377,575
INDEPENDENCE	161,102	560,799	721,901
JEFFERSON CSRT	312,482	1,204,567	1,517,049
SPRINGFIELD	230,853	844,342	1,075,195
ST LOUIS CITY	1,199,804	4,868,569	6,068,373
ST LOUIS COUNTY	367,237	3,449,581	3,816,818
BAL JACKSON CNTY	168,027	603,160	771,187

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 10

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
ST CHARLES CNTY	180,271	689,118	877,067
BAL OF MISSOURI	380,217	6,036,881	6,417,098
NEBRASKA	945,424	6,119,030	7,064,454
OMAHO CSRT	801,428	2,956,461	3,757,889
LINCOLN CITY	51,178	654,786	705,964
BAL OF NEBRASKA	92,818	2,507,783	2,600,601
REGION VIII	5,422,987	25,153,207	36,197,522
COLORADO	1,529,116	8,321,849	10,006,522
ARAPAHOE COUNTY	25,452	342,079	367,531
JEFFERSON COUNTY	54,205	557,198	611,403
COL SPRINGS CSRT	291,937	1,130,970	1,422,907
LARIMER COUNTY	71,769	310,289	382,058
DENVER CTY/CNTY	454,828	2,403,271	2,858,099
ADAMS CNTY	155,370	708,928	864,298
BOULDER CNTY	34,027	561,354	595,381
PUEBLO CNTY	84,151	416,162	655,870
WELD CNTY	29,212	217,212	246,424
BAL OF COLORADO	328,165	1,674,386	2,002,551
MONTANA	1,248,690	4,627,882	9,099,037
RURAL CEP	189,351	705,919	895,270
BAL OF MONTANA	1,059,339	3,921,963	8,203,767
NORTH DAKOTA	746,489	2,722,407	5,712,202
BAL OF N.D.	746,489	2,722,407	5,712,202
SOUTH DAKOTA	74,062	1,826,338	1,900,400
BAL OF S.D.	74,062	1,826,338	1,900,400
WYOMING	0	980,562	980,562
BAL OF WYOMING	0	980,562	980,562
UTAH	1,824,630	6,674,169	8,498,799
STATEWIDE CSRT	1,824,630	6,674,169	8,498,799
REGION IX	48,228,422	187,532,692	310,921,785
ARIZONA	3,897,631	14,937,119	18,834,750
PHOENIX/MARICOPA	2,532,598	9,897,988	12,430,586
TUCSON-PIMA COUNTY	561,587	2,004,833	2,566,420
BAL OF ARIZONA	803,446	3,034,298	3,837,744
CALIFORNIA	41,643,555	162,410,179	271,848,213
SUNNYVALE	206,777	766,939	973,716
BERKELEY	380,949	1,555,299	3,488,144

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 11

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
GLENDALE	210,859	741,415	952,274
LONG BEACH	696,733	2,674,205	4,205,558
LOS ANGELES	6,461,826	25,356,446	42,047,549
OAKLAND	985,643	3,991,140	7,371,879
PASADENA	184,307	665,791	850,098
SAN FRANCISCO	1,810,093	7,081,361	14,090,301
TORRANCE	219,205	779,695	999,100
BUTTE COUNTY	313,353	1,299,901	2,201,187
CONTRA COSTA ,CNTY	832,387	3,119,730	5,367,273
KERN COUNTY	512,656	1,905,931	2,570,784
LOS ANGELES COUNTY	6,202,955	23,328,627	39,738,785
MARIN COUNTY	327,478	1,189,890	1,597,481
MERCED COUNTY	259,102	1,060,513	1,722,126
MONTEREY COUNTY	496,788	1,966,680	2,463,468
SAN LOUIS OBISPO C	147,267	520,650	667,857
SAN MATEO COUNTY	349,307	2,461,326	2,810,633
SANTA BARABARA CNT	388,286	1,399,315	1,787,601
SANTA CRUZ COUNTY	392,872	1,599,826	2,089,780
SOLANO COUNTY	242,639	905,608	1,894,566
SONOMA COUNTY	573,235	2,329,966	3,076,263
STANISLAUS COUNTY	753,644	3,151,569	6,220,919
VENTURA COUNTY	671,052	2,511,420	3,182,472
SAN DIEGO RETC	2,810,511	10,900,599	27,653,815
ORANGE CNTY MANP	2,791,287	10,234,313	13,025,600
INLAND MANP ASSOC	2,537,550	10,026,773	12,627,873
FRESNO CTY/CNTY .	961,521	3,758,977	5,786,319
TULARE/KINGS CNTY	462,944	1,752,799	2,661,784
SACRAMENTO/YOLO	1,343,526	5,081,660	10,462,465
STOCKTON/SAN JOAQU	709,298	2,839,692	4,147,242
SANTA CLARA VALLEY	2,135,095	8,089,117	10,224,212
CNTY OF ALAMEDA	1,061,036	3,992,305	6,594,244
RICHMOND	196,597	788,063	1,316,133
IMPERIAL COUNTY	204,851	840,420	1,477,669
HUMBOLT CNTY	377,189	1,599,882	2,437,176
BAL OF CALIFORNIA	2,426,297	10,142,136	21,063,867
HAWAII	1,257,908	4,557,160	13,072,652
HONOLULU/HAWAII CR	1,257,908	4,557,160	13,072,652
NEVADA	1,429,328	5,628,234	7,166,170
LAS VEGAS CSRT	813,719	3,234,781	4,048,500
WASHOE COUNTY	349,903	1,349,049	1,698,952
BAL OF NEVADA	265,706	1,044,404	1,418,718
REGION X	14,270,249	55,586,876	95,853,335
ALASKA	772,529	3,044,137	6,799,659
ANCHORAGE BOROUGH	270,659	1,018,559	1,790,604

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FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
BAL OF ALASKA	501,970	2,075,578	5,009,055
IDAHO	1,565,343	5,989,519	7,554,862
STATEWIDE CSRT	1,565,343	5,989,519	7,554,862
OREGON	5,470,222	21,831,432	27,301,654
PORTLAND CITY	919,928	3,566,223	4,486,151
CLACKAMAS COUNTY	337,475	1,283,940	1,621,415
MULTNOMAH/WASH CRT	650,599	2,425,307	3,075,906
LANE COUNTY	609,005	2,458,720	3,067,725
M-WILM VAL MPR CST	607,354	2,434,094	3,041,448
JACKSON CNTY CSRT	468,998	1,955,287	2,424,285
BAL OF OREGON	1,876,863	7,707,861	9,584,724
WASHINGTON	6,462,055	24,671,788	54,197,160
KING SNO. CSRT	2,509,256	9,360,549	20,260,392
TACOMA CITY	282,307	1,081,840	2,634,091
PIERCE CNTY	319,269	1,180,169	3,187,538
SPOKANE CSRT	549,985	2,115,446	4,103,488
CLARK COUNTY	269,741	1,040,042	1,309,783
KITSAP COUNTY	153,810	563,518	2,031,342
YAKIMA COUNTY	346,509	1,369,363	4,488,972
BAL OF WASH	2,031,178	7,940,861	16,181,554
VIRGIN ISLANDS	311,599	1,265,870	1,814,544
AMERICAN SAMOA	76,134	309,293	443,352
GUAM	232,080	942,810	1,351,462
PACIFIC ISLANDS	198,314	805,651	1,154,849
INDIAN ORGANIZATIONS	1,800,235	8,136,597	9,936,832
NATIONAL TOTAL	358,983,229	1,460,315,064	2,101,654,533

TITLE I ALLOCATIONS

REGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
REGION I	82,764,572	20,691,141	2,398,384	599,595	106,453,692
CONNECTICUT	21,115,257	5,278,812	1,287,574	321,893	28,003,536
BRIDGEPORT CSRT	3,397,279	849,319	339,728	84,932	4,671,258
HARTFORD CSRT	5,067,361	1,266,840	506,736	126,684	6,967,621
NEW HAVEN CSRT	3,219,889	804,972	321,989	80,497	4,427,347
STAMFORD CSRT	1,191,213	297,803	119,121	29,780	1,637,917
WATERBURY CITY	1,118,853	279,713	0	0	1,398,566
BALANCE OF CONN	7,120,662	1,780,165	0	0	8,900,827
MAINE	6,812,944	1,703,237	0	0	8,516,181
PENOBSCOT CNTY	768,688	192,172	0	0	960,860
CUMBERLAND CNTY	1,159,414	289,854	0	0	1,449,268
BALANCE OF MAINE	4,884,842	1,221,211	0	0	6,106,053
MASSACHUSETTS	40,613,094	10,153,273	1,020,231	255,057	52,041,655
BOSTON	7,900,173	1,975,043	0	0	9,875,216
EMPOA CSRT	2,103,119	525,779	0	0	2,628,898
NEW BEDFORD CSRT	1,626,611	406,653	162,661	40,665	2,236,590
HAMPDEN CNTY CSRT	3,850,260	962,565	385,026	96,256	5,294,107
WORCESTER CSRT	1,688,950	422,239	168,895	42,224	2,322,308
LOWELL CSRT	1,849,851	462,462	184,985	46,246	2,543,544
BROCKTON CSRT	1,186,638	296,659	118,664	29,666	1,631,627
BALANCE OF MASS	20,407,492	5,101,873	0	0	25,509,365
NEW HAMPSHIRE	3,745,835	936,459	90,579	22,645	4,795,518

REGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
ROCK/STRAFFORD CSRT	905,791	226,448	90,579	22,645	1,245,463
HILLSBOROUGH CNTY	1,395,468	348,867	0	0	1,744,335
BALANCE OF N H	1,444,576	361,144	0	0	1,805,720
RHODE ISLAND	7,506,525	1,876,631	0	0	9,383,156
PROVIDENCE	3,038,958	759,739	0	0	3,798,697
BALANCE OF R I	4,467,567	1,116,892	0	0	5,584,459
VERMONT	2,970,917	742,729	0	0	3,713,646
BALANCE OF VERMONT	2,970,917	742,729	0	0	3,713,646
REGION II	188,770,616	47,192,647	2,931,841	732,960	239,628,064
NEW JERSEY	47,679,805	11,919,949	0	0	59,599,754
ATLANTIC COUNTY	1,362,813	340,703	0	0	1,703,516
HUDSON COUNTY	2,704,024	676,006	0	0	3,380,030
JERSEY CITY	2,543,805	635,951	0	0	3,179,756
MONMOUTH COUNTY	2,204,768	551,192	0	0	2,755,960
ESSEX COUNTY	2,572,946	643,236	0	0	3,216,182
NEWARK CITY	8,829,648	2,207,412	0	0	11,037,060
MORRIS COUNTY	1,368,007	342,002	0	0	1,710,009
UNION COUNTY	1,803,044	450,761	0	0	2,253,805
ELIZABETH CITY	784,920	196,230	0	0	981,150
MIDDLESEX COUNTY	2,970,424	742,606	0	0	3,713,030
BERGEN COUNTY	3,447,426	861,856	0	0	4,309,282
PASSAIC COUNTY	1,581,831	395,458	0	0	1,977,289
PATERSON CITY	1,310,139	327,535	0	0	1,637,674
MERCER COUNTY	787,210	196,802	0	0	984,012
TRENTON CITY	2,766,717	691,679	0	0	3,458,396
CUMBERLAND COUNTY	923,861	230,965	0	0	1,154,826
BURLINGTON COUNTY	1,584,421	396,105	0	0	1,980,526
CAMDEN COUNTY	1,763,742	440,935	0	0	2,204,677
CAMDEN CITY	1,271,457	317,864	0	0	1,589,321
GLOUCESTER COUNTY	962,897	240,724	0	0	1,203,621
OCEAN COUNTY	1,274,959	318,740	0	0	1,593,699

REGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
SOMERSET CNTY	700,575	175,144	0	0	875,719
BALANCE OF N J	2,160,171	540,043	0	0	2,700,214
NEW YORK	111,003,032	27,750,754	2,393,877	598,469	141,746,132
ALBANY CSRT	1,731,983	432,995	173,198	43,299	2,381,475
RENSSELAER CNTY	759,067	189,767	0	0	948,834
SARATOGA COUNTY	587,985	146,996	0	0	734,981
SCHENECTADY CNTY	746,016	186,504	0	0	932,520
ERIE CSRT	2,960,806	740,201	296,081	74,020	4,071,108
BUFFALO CITY	4,006,426	1,001,606	0	0	5,008,032
NIAGARA COUNTY	1,571,707	392,927	0	0	1,964,634
BROOME COUNTY	1,511,136	377,784	0	0	1,888,920
CHEMUNG COUNTY	605,822	151,455	0	0	757,277
NEW YORK CITY	56,760,265	14,190,066	0	0	70,950,331
ROCKLAND COUNTY	849,366	212,341	0	0	1,061,707
WESTCHESTER CSRT	3,351,974	837,994	335,197	83,799	4,608,964
YONKERS CITY	1,058,058	264,514	0	0	1,322,572
NASSAU COUNTY CSRT	5,913,425	1,478,355	591,342	147,836	8,130,958
SUFFOLK CNTY CSRT	4,726,160	1,181,540	472,616	118,154	6,498,470
DUTCHESS COUNTY	754,935	188,734	0	0	943,669
MONROE/ROCHESTER	3,666,365	916,591	366,636	91,659	5,041,251
OSWEGO CNTY	644,787	161,197	0	0	805,984
ONONDAGA CNTY	984,752	246,190	0	0	1,230,952
SYRACUSE CITY	1,612,548	403,137	0	0	2,015,685
ONEIDA COUNTY	1,624,131	406,033	0	0	2,030,164
CHAUTAUQUA- CSRT	1,586,073	397,018	158,807	39,702	2,183,600
ORANGE COUNTY	1,184,317	296,079	0	0	1,480,396
ST LAWRENCE CNTY	704,158	176,040	0	0	880,198
ULSTER COUNTY	791,408	197,852	0	0	989,260
STEUBEN CNTY	513,216	128,304	0	0	641,520
BAL OF NEW YORK	9,794,136	2,448,534	0	0	12,242,670

EGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
PUERTO RICO	30,087,779	7,521,944	537,964	134,491	38,282,178
PONCE MUNICIPIO	2,102,120	525,530	0	0	2,627,650
BAYAMON MUNICIPIO	1,589,949	397,487	0	0	1,987,436
CAROLINA MUNICIPIO	860,432	215,108	0	0	1,075,540
SAN JUAN CSRT	5,379,643	1,344,911	537,964	134,491	7,397,009
MAYAGUEZ MUNICIPIO	1,268,946	317,236	0	0	1,586,182
CAGUAS MUNICIPIO	1,701,608	425,402	0	0	2,127,010
BAL OF PUERTO RICO	17,185,081	4,296,270	0	0	21,481,351
EGION III	140,223,941	35,055,979	4,627,120	1,156,781	181,063,821
DELAWARE	3,544,827	886,207	229,200	57,300	4,717,534
WILMINGTON	1,252,827	313,207	0	0	1,566,034
DEL INTGOV MA S.C.	2,292,000	573,000	229,200	57,300	3,151,500
MARYLAND	21,152,212	5,288,054	1,436,589	359,147	28,236,002
BALTIMORE CSRT	12,619,809	3,154,952	1,261,981	315,495	17,352,237
MONTGOMERY COUNTY	1,824,027	456,007	0	0	2,280,034
PRINCE GEORGES CO.	2,719,256	679,814	0	0	3,399,070
WESTERN MD CSRT	1,746,085	436,522	174,608	43,652	2,400,867
BALANCE OF MD	2,243,035	560,759	0	0	2,803,794
PENNSYLVANIA	64,826,633	16,206,657	1,145,212	286,304	82,464,806
LEHIGH VALLEY CONS	1,739,093	434,773	173,909	43,477	2,391,252
S. ALLEGANY CSRT	2,994,228	748,558	229,423	74,856	4,117,065
ERIE CTY	1,066,446	266,611	0	0	1,333,057
ERIE CNTY	566,485	141,621	0	0	708,106
SUSQUEHANNA CSRT	1,649,650	412,412	164,965	41,241	2,268,268

REGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
LANCASTER CSRT	1,513,669	378,418	151,367	37,842	2,081,296
BUCKS COUNTY	1,828,197	457,049	0	0	2,285,246
CHESTER COUNTY	983,082	245,771	0	0	1,228,853
DELAWARE COUNTY	2,571,632	642,908	0	0	3,214,540
MONTGOMERY COUNTY	2,307,617	576,904	0	0	2,884,521
PHILADELPHIA	12,538,476	3,134,619	0	0	15,673,095
ALLEGHENY COUNTY	4,344,025	1,086,006	0	0	5,430,031
PITTSBURGH	7,243,668	1,810,917	0	0	9,054,585
BEAVER COUNTY	875,362	218,840	0	0	1,094,202
WASHINGTON COUNTY	1,011,381	252,845	0	0	1,264,226
WESTMORELAND CNTY	2,143,672	535,918	0	0	2,679,590
BERKS COUNTY	1,052,226	263,056	0	0	1,315,282
LACKAWANNA COUNTY	860,333	215,083	0	0	1,075,416
SCRANTON	678,502	169,625	0	0	848,127
LUZERNE COUNTY	2,537,487	634,372	0	0	3,171,859
YORK COUNTY	974,972	243,743	0	0	1,218,715
LYCOMING CSRT	869,868	217,467	86,987	21,747	1,196,069
TRI-COUNTY CSRT	1,340,865	335,216	134,086	33,522	1,843,689
FAYETTE COUNTY	1,069,119	267,280	0	0	1,336,399
FRANKLIN COUNTY	437,007	109,252	0	0	546,259
LAWRENCE COUNTY	579,572	144,893	0	0	724,465
MERCER CNTY CSRT	1,858,503	464,626	0	0	2,323,129
SCHUYKILL CSRT	1,344,754	336,189	134,475	33,619	1,849,037
CENTRE CNTY	474,332	118,583	0	0	592,915
NORTHUMBERLAND CO.	761,904	190,476	0	0	952,380
BALANCE OF PENN	4,610,506	1,152,626	0	0	5,763,132
VIRGINIA	24,724,470	6,181,112	612,776	153,194	31,671,552
PENNINSULA CSRT	1,594,223	398,556	159,422	39,856	2,192,057
STAMA CSRT	4,533,539	1,133,384	453,354	113,338	6,233,615
RAMPS CSRT	2,162,862	540,714	0	0	2,703,576

GION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
HENRICO CNTY CSRT	524,347	131,086	0	0	655,433
ROANOKE CSRT	1,199,940	299,983	0	0	1,499,923
ARLINGTON COUNTY	772,050	193,012	0	0	965,062
FAIRFAX COUNTY	1,390,617	347,654	0	0	1,738,271
PRINCE WM COUNTY	362,943	90,736	0	0	453,679
ALEXANDRIA CITY	470,168	117,542	0	0	587,710
BALANCE OF VA	11,713,781	2,928,445	0	0	14,642,226
EST VIRGINIA	12,033,431	3,008,357	1,203,343	300,836	16,545,967
W. VA. STATEWIDE	12,033,431	3,008,357	1,203,343	300,836	16,545,967
ASHINGTON D. C.	13,942,368	3,485,592	0	0	17,427,960
WASHINGTON D. C.	13,942,368	3,485,592	0	0	17,427,960
GION IV	210,849,024	52,712,253	7,564,645	1,891,158	273,017,080
LABAMA	23,229,310	5,807,326	1,031,235	257,808	30,325,679
BIRMINGHAM CSRT	4,707,010	1,176,752	470,701	117,675	6,472,138
HUNTSVILLE CSRT	1,435,725	358,931	143,572	35,893	1,974,121
MOBILE CSRT	2,554,728	638,682	255,473	63,868	3,512,751
MONTGOMERY CSRT	1,614,894	403,723	161,489	40,372	2,220,478
TUSCALOOSA COUNTY	627,421	156,855	0	0	784,276
BALANCE OF ALABAMA	12,289,532	3,072,383	0	0	15,361,915
LORIDA	45,412,179	11,353,044	2,816,737	704,183	60,286,143
VOLUSIA COUNTY	1,125,837	281,459	0	0	1,407,296
LEE COUNTY	596,808	149,202	0	0	746,010

REGION STATE PRIME SPONSUR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ALACHUA COUNTY	662,013	165,503	0	0	827,516
BREVARD COUNTY	1,668,500	417,125	0	0	2,085,625
ORANGE CNTY/ORL	2,026,360	506,590	202,636	50,659	2,786,245
ESCAMBIA COUNTY	1,144,019	286,005	0	0	1,430,024
SARASOTA COUNTY	577,360	144,340	0	0	721,700
PASCO COUNTY	523,722	130,930	0	0	654,652
PALM BEACH COUNTY	2,534,983	633,746	0	0	3,168,729
HRTLND MNPWR CNSRT	2,342,296	585,574	234,230	58,557	3,220,657
DADE/MONROE CSRT	8,799,211	2,199,803	879,921	219,980	12,098,915
NE FLA MNPWR CNSRT	3,328,345	832,086	332,834	83,209	4,576,474
BROWARD MNPR CNCL.	4,148,445	1,037,111	414,844	103,711	5,704,111
LEON/GADSDEN CNSRT	920,252	230,063	92,025	23,006	1,265,346
ST PETE/PINELLAS	2,876,966	719,242	287,697	71,924	3,955,829
TAMPA/HILLSBOROUGH	3,725,502	931,375	372,550	93,137	5,122,564
MANATEE CNTY	566,185	141,546	0	0	707,731
SEMINOLE CNTY	628,606	157,152	0	0	785,758
BALANCE OF FLORIDA	7,216,769	1,804,192	0	0	9,020,961
GEORGIA	27,143,725	6,785,932	408,241	102,059	34,439,957
ATLANTA	4,137,561	1,034,390	0	0	5,171,951
FULTON COUNTY	691,477	172,869	0	0	864,346
DEKALB COUNTY	1,398,118	349,530	0	0	1,747,648
COBB COUNTY	976,253	244,063	0	0	1,220,316
CSRA CSRT	1,699,536	424,884	169,954	42,488	2,336,862
SAV/CHATHAM CSRT	946,647	236,662	94,665	23,666	1,301,640
MID. GA CSRT	1,436,217	359,055	143,622	35,905	1,974,799
COLUMBUS AREA CSRT	1,263,357	315,839	0	0	1,579,196

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
CLAYTON CNTY	421,655	105,414	0	0	527,069
BALANCE OF GEORGIA	14,172,904	3,543,226	0	0	17,716,130
KENTUCKY	23,148,146	5,787,035	547,988	136,997	29,620,166
KENTON COUNTY	646,196	161,549	0	0	807,745
LVILLE/JEFF CSRT	3,890,088	972,522	389,009	97,252	5,348,871
BLUEGRASS MA CSRT	1,589,793	397,447	158,979	39,745	2,185,964
BALANCE OF KENT	17,022,069	4,255,517	0	0	21,277,586
MISSISSIPPI	17,489,905	4,372,477	168,705	42,176	22,073,263
JACKSON CSRT	1,687,048	421,762	168,705	42,176	2,319,691
BALANCE OF MISS	15,802,857	3,950,715	0	0	19,753,572
NORTH CAROLINA	31,197,996	7,799,500	270,223	67,556	39,335,275
BUNCOMBE COUNTY	724,930	181,233	0	0	906,163
CUMBERLAND COUNTY	1,092,771	273,193	0	0	1,365,964
GASTON COUNTY	611,487	152,872	0	0	764,359
ONSLOW COUNTY	367,444	91,861	0	0	459,305
CHARLOTTE	1,689,417	422,354	0	0	2,111,771
WINSTON-SALEM CSRT	1,399,911	349,978	139,991	34,998	1,924,878
RALEIGH CSRT	1,574,667	393,667	0	0	1,968,334
WAKE CNTY	417,239	104,310	0	0	521,549
GREENSBORO CSRT	1,309,869	327,467	0	0	1,637,336
DURHAM CSRT	1,302,318	325,579	130,232	32,558	1,790,687
ALAMANCE CNTY	590,595	147,649	0	0	738,244
BALANCE OF N.C.	20,117,348	5,029,337	0	0	25,146,685
SOUTH CAROLINA	17,502,251	4,375,562	1,750,225	437,556	24,065,594

EGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
S. CAROLINA CSRT	17,502,251	4,375,562	1,750,225	437,556	24,065,594
TENNESSEE	25,725,512	6,431,377	571,291	142,823	32,871,003
CHATTANOOGA	1,764,342	441,085	0	0	2,205,427
HAMILTON COUNTY	576,515	144,129	0	0	720,644
NASHVILLE/DAVIDSON	2,464,668	616,167	0	0	3,080,835
SULLIVAN COUNTY	610,976	152,744	0	0	763,720
KNOXVILLE CSRT	1,897,749	474,437	189,775	47,444	2,609,405
MEMPHIS CSRT	3,815,164	953,791	381,516	95,379	5,245,850
BALANCE OF TENN	14,596,098	3,649,024	0	0	18,245,122
EGION V	260,009,395	65,002,345	6,358,793	1,589,698	332,960,231
ILLINOIS	66,679,066	16,669,766	232,299	58,075	83,639,206
CHICAGO	33,243,453	8,310,863	0	0	41,554,316
COOK COUNTY	7,180,889	1,795,222	0	0	8,976,111
DUPAGE COUNTY	757,575	189,394	0	0	946,969
KANE COUNTY	939,895	234,974	0	0	1,174,869
LAKE COUNTY	1,384,166	346,041	0	0	1,730,207
MACON COUNTY	505,617	126,404	0	0	632,021
MCHENRY COUNTY	399,732	99,933	0	0	499,665
ROCK ISLAND COUNTY	699,516	174,879	0	0	874,395
TAZEWELL COUNTY	377,226	94,307	0	0	471,533
LASALLE COUNTY	433,158	108,289	0	0	541,447
ROCKFORD CSRT	973,330	243,333	97,333	24,333	1,338,329
CHAMPAIGN CSRT	698,589	174,647	69,859	17,465	960,560
WILL/GRUNDY CSRT	1,117,553	279,389	0	0	1,396,942
SANGAMON CNTY CSRT	651,073	162,769	65,107	16,277	895,226
MADISON CNTY CSRT	1,599,480	399,870	0	0	1,999,350

EGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ST CLAIR CSRT	1,406,327	351,582	0	0	1,757,909
PEORIA CSRT	782,852	195,713	0	0	978,565
EAST ST LOUIS	2,584,629	646,157	0	0	3,230,786
SHAWNEE CSRT	1,158,462	289,614	0	0	1,448,076
MCLEAN CNTY	282,921	70,730	0	0	353,651
BAL OF ILLINOIS	9,502,623	2,375,656	0	0	11,878,279
INDIANA	30,759,906	7,689,979	460,570	115,143	39,025,598
GARY	4,556,817	1,139,204	0	0	5,696,021
HAMMOND	428,110	107,028	0	0	535,138
LAKE CNTY	1,465,614	366,403	0	0	1,832,017
ELKHART CNTY	560,329	140,082	0	0	700,411
SOUTH BEND	1,611,657	402,914	0	0	2,014,571
ST JOSEPH CNTY	443,887	110,972	0	0	554,859
TIPPECANOE CNTY	398,182	99,546	0	0	497,728
MADISON CNTY	658,748	164,687	0	0	823,435
VIGO CNTY	520,217	130,054	0	0	650,271
INDIANAPOLIS	4,224,467	1,056,117	0	0	5,280,584
LA PORTE CNTY	326,272	81,568	0	0	407,840
FT WAYNE CSRT	1,780,325	445,081	178,032	44,508	2,447,946
DELAWARE CSRT	685,390	171,348	68,539	17,135	942,412
SOUTHWESTERN CSRT	2,139,993	535,000	213,999	53,500	2,942,492
BAL OF INDIANA	10,959,898	2,739,975	0	0	13,699,873
MICHIGAN	60,765,229	15,191,306	1,302,870	325,717	77,585,122
WAYNE CNTY	5,084,549	1,271,137	0	0	6,355,686
DETROIT	14,426,859	3,606,715	0	0	18,033,574
DEARBORN	504,736	126,184	0	0	630,920
LIVONIA	341,760	85,440	0	0	427,200
MONROE CNTY	589,460	147,365	0	0	736,825
BAY CNTY	755,017	188,754	0	0	943,771

GION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
SAGINAW CNTY	1,356,813	339,203	0	0	1,696,016
OAKLAND CNTY	5,410,892	1,352,723	0	0	6,763,615
ST CLAIR CNTY	1,105,192	276,298	0	0	1,381,490
CALHOUN CNTY	892,126	223,032	0	0	1,115,158
KALAMAZOO CNTY	1,064,075	266,019	0	0	1,330,094
BERRIEN CNTY	1,114,748	278,687	0	0	1,393,435
OTTAWA CNTY	679,854	169,963	0	0	849,817
WASHTENAW COUNTY	914,171	228,543	0	0	1,142,714
ANN ARBOR	407,803	101,951	0	0	509,754
KENT CNTY CSRT	3,584,657	896,164	358,466	89,616	4,928,903
MUSKEGUN CSRT	1,920,262	480,065	192,026	48,006	2,640,359
GENESSEE/FLINT CSR	3,742,035	935,509	374,203	93,551	5,145,298
INGHAM/LANSING CRT	2,324,626	581,156	232,463	58,116	3,196,361
JACKSON CSRT	1,457,121	364,280	145,712	36,428	2,003,541
MACOMB CNTY	2,426,169	606,542	0	0	3,032,711
WARREN CITY	832,663	208,166	0	0	1,040,829
BAL OF MICHIGAN	9,829,641	2,457,410	0	0	12,287,051
MINNESOTA	20,980,433	5,245,106	604,241	151,060	26,980,840
DULUTH	1,550,664	387,666	0	0	1,938,330
DAKOTA CNTY	460,705	115,176	0	0	575,881
URB MINNESOTA CSRT	6,042,415	1,510,603	604,241	151,060	8,308,319
ST PAUL CITY	2,104,299	526,075	0	0	2,630,374
RAMSEY CNTY	529,878	132,469	0	0	662,347
REGION III CSRT	1,731,177	432,793	0	0	2,163,970
BAL OF MINNESOTA	8,561,295	2,140,324	0	0	10,701,619
OHIO	59,124,915	14,781,228	3,502,829	875,707	78,284,679
CINCINNATI	5,220,207	1,305,052	0	0	6,525,259

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
BUTLER CNTY	954,062	238,515	0	0	1,192 577
CLARK CNTY	643,515	160,879	0	0	804,394
HAMILTON CNTY	1,032,975	258,244	0	0	1,291,219
LICKING/DEL CSRT	649,378	162,345	64,938	16,235	892,896
LORAIN CNTY	992,396	248,099	0	0	1,240,495
AKRON CSRT	3,700,349	925,087	370,035	92,509	5,087,980
CANTON CSRT	1,654,260	413,565	165,426	41,356	2,274,607
CLEVELAND CSRT	13,600,314	3,400,078	1,360,031	340,008	18,700,431
COLUMBUS CSRT	4,304,898	1,076,224	430,490	107,622	5,919,234
MIAMI VALLEY CSRT	4,201,362	1,050,341	420,136	105,034	5,776,873
GREENE CNTY	368,437	92,109	0	0	460,546
TOLEDO CSRT	3,105,272	776,318	310,527	77,632	4,269,749
NE OHIO MNPWR CSRT	3,812,463	953,115	381,246	95,311	5,242,135
ALLEN CNTY	506,145	126,536	0	0	632,681
CLERMONT CNTY CSRT	1,598,814	399,704	0	0	1,998,518
BAL OF OHIO	12,780,068	3,195,017	0	0	15,975,085
WISCONSIN	21,699,846	5,424,960	255,984	63,996	27,444,786
OUTAGAMIE CNTY	375,874	93,968	0	0	469,842
ROCK CNTY	676,095	169,024	0	0	845,119
MILWAUKEE CNTY	5,654,547	1,413,637	0	0	7,068,184
MADISON-DANE CSRT	1,168,369	292,093	116,837	29,209	1,606,508
WOW CSRT	1,057,821	264,455	0	0	1,322,276
WINNE-FOND CSRT	971,890	242,972	0	0	1,214,862

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
TRICO CETAC	1,391,466	347,866	139,147	34,787	1,913,266
MARATHON CNTY	465,864	116,466	0	0	582,330
BAL OF WISCONSIN	9,937,920	2,484,479	0	0	12,422,399
REGION VI	127,746,280	31,936,560	3,644,464	911,116	164,238,420
ARKANSAS	14,009,136	3,502,283	266,308	66,577	17,844,304
CENT. ARK CSRT	2,663,079	665,769	266,308	66,577	3,661,733
TEXARKANA CSRT	494,163	123,541	0	0	617,704
BALANCE OF ARK	10,851,894	2,712,973	0	0	13,564,867
LOUISIANA	25,050,847	6,262,712	131,880	32,970	31,478,409
RAPIDES PARISH	800,873	200,218	0	0	1,001,091
BATON ROUGE	1,764,521	441,130	0	0	2,205,651
LAFAYETTE PARISH	674,649	168,662	0	0	843,311
CALCASIEU/JEFF CRT	1,318,804	329,701	131,880	32,970	1,813,355
OUACHITA PARISH	801,102	200,276	0	0	1,001,378
NEW ORLEANS CTY	4,718,045	1,179,511	0	0	5,897,556
JEFFERSON PARRISH	1,758,999	439,750	0	0	2,198,749
SHREVEPORT	1,394,091	348,523	0	0	1,742,614
BAL OF LOUISIANA	11,819,763	2,954,941	0	0	14,774,704
NEW MEXICO	8,262,465	2,065,621	261,387	65,347	10,654,841
ALBUQUERQUE CSRT	2,613,870	653,467	261,387	65,347	3,594,071
BAL OF NEW MEXICO	5,648,616	1,412,154	0	0	7,060,770
OKLAHOMA	15,224,119	3,806,028	552,121	138,030	19,720,298
COMANCHE CNTY	464,174	116,043	0	0	580,217
OKLAHOMA CNTY	773,829	193,457	0	0	967,286

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
OKLAHOMA CTY CSRT	2,841,306	710,327	284,131	71,033	3,906,797
TULSA CSRT	2,679,905	669,975	267,990	66,997	3,684,867
BAL OF OKLAHOMA	8,464,905	2,116,226	0	0	10,581,131
TEXAS	65,199,692	16,299,916	2,432,768	608,192	84,540,568
PANHANDLE MA CSRT	1,547,643	386,911	154,764	38,691	2,128,009
CAPITAL AREA CSRT	2,320,465	580,117	232,046	58,012	3,190,640
SE TEX COMP MA CRT	1,909,156	477,290	190,916	47,729	2,625,091
CAMERON COUNTY	1,385,030	346,257	0	0	1,731,287
COASTAL BEND CSRT	2,841,160	710,290	284,116	71,029	3,906,595
DALLAS CITY	3,854,223	963,556	0	0	4,817,779
DALLAS CNTY	1,762,078	440,519	0	0	2,202,597
EL PASO CTY/CNTY	2,328,923	582,230	232,892	58,223	3,202,268
FT WORTH CSRT	2,474,684	618,669	0	0	3,093,353
TARRANT COUNTY	619,569	154,892	0	0	774,461
GALVESTON CNTY	1,153,764	288,441	0	0	1,442,205
HOUSTON	7,946,910	1,986,728	0	0	9,933,638
HARRIS COUNTY	1,625,384	406,346	0	0	2,031,730
CENTRAL TEXAS CSRT	976,238	244,058	97,624	24,406	1,342,326
HIDALGO CNTY CSRT	1,970,166	492,542	197,017	49,254	2,708,979
ALAMO CSRT	7,684,286	1,921,071	768,429	192,107	10,565,893
REGION XI CSRT	1,574,387	393,596	157,439	39,360	2,164,782
N TEXAS PLAN CSRT	1,175,249	293,811	117,525	29,381	1,615,966
WEBB COUNTY	1,200,339	300,085	0	0	1,500,424

REGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
TEXARKANA CSRT	806,760	201,690	0	0	1,008,450
BRAZORIA CSRT	1,733,939	433,482	0	0	2,167,421
BALANCE OF TEXAS	16,309,339	4,077,335	0	0	20,386,674
REGION VII	60,029,560	15,007,389	1,307,309	326,827	76,671,085
IOWA	12,872,904	3,218,226	390,482	97,621	16,579,233
CENT IOWA RALG	3,210,765	802,691	321,076	80,269	4,414,801
LINN CNTY CSRT	694,061	173,516	69,406	17,352	954,335
BLACKHAWK COUNTY	564,894	141,223	0	0	706,117
WOODBURY COUNTY	647,271	161,818	0	0	809,089
SCOTT COUNTY	451,013	112,753	0	0	563,766
BALANCE OF IOWA	7,304,900	1,826,225	0	0	9,131,125
KANSAS	10,596,520	2,649,131	97,510	24,377	13,367,538
KANSAS CITY CSRT	1,467,318	366,830	0	0	1,834,148
TOPEKA CSRT	975,096	243,774	97,510	24,377	1,340,757
JOHNSON CNTY CSRT	831,651	207,913	0	0	1,039,564
WICHITA CTY	1,577,961	394,490	0	0	1,972,451
BAL OF KANSAS	5,744,494	1,436,124	0	0	7,180,618
MISSOURI	28,643,101	7,160,774	504,435	126,109	36,434,419
KANSAS CITY CSRT	5,044,348	1,261,087	504,435	126,109	6,935,979
INDEPENDENCE	411,821	102,955	0	0	514,776
JEFFERSON CSRT	972,040	243,010	0	0	1,215,050
SPRINGFIELD	853,254	213,313	0	0	1,066,567

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ST LOUIS CITY	6,434,640	1,608,660	0	0	8,043,300
ST LOUIS COUNTY	3,474,276	868,569	0	0	4,342,845
BAL JACKSON CNTY	420,880	105,220	0	0	526,100
ST CHARLES CNTY	525,724	131,431	0	0	657,155
BAL OF MISSOURI	10,506,118	2,626,529	0	0	13,132,647
NEBRASKA	7,917,035	1,979,258	314,882	78,720	10,289,895
OMAHA CSRT	3,148,818	787,204	314,882	78,720	4,329,624
LINCOLN CITY	718,169	179,542	0	0	897,711
BAL OF NEBRASKA	4,050,048	1,012,512	0	0	5,062,560
REGION VIII	31,401,284	7,850,319	754,491	188,623	40,194,717
COLORADO	11,499,767	2,874,941	101,583	25,396	14,501,687
ARAPAHOE COUNTY	495,113	123,778	0	0	618,891
JEFFERSON COUNTY	728,217	182,054	0	0	910,271
COL SPRINGS CSRT	1,015,827	253,957	101,583	25,396	1,396,763
LARIMER CNTY	424,071	106,018	0	0	530,089
DENVER CTY/CNTY	3,601,260	900,315	0	0	4,501,575
ADAMS CNTY	728,513	182,128	0	0	910,641
BOULDER CNTY	643,537	160,884	0	0	804,421
PUEBLO CNTY	680,319	170,080	0	0	850,399
WELD CNTY	459,885	114,971	0	0	574,856
BAL OF COLORADO	2,723,025	680,756	0	0	3,403,781
MONTANA	4,738,734	1,184,683	0	0	5,923,417
BAL OF MONTANA	4,738,734	1,184,683	0	0	5,923,417
NORTH DAKOTA	3,497,410	874,352	0	0	4,371,762
BALANCE OF N.D.	3,497,410	874,352	0	0	4,371,762
SOUTH DAKOTA	3,410,181	852,545	0	0	4,262,726

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
BALANCE S.D.	3,410,181	852,545	0	0	4,262,726
WYOMING	1,726,110	431,527	0	0	2,157,637
BALANCE OF WYOMING	1,726,110	431,527	0	0	2,157,637
UTAH	6,529,082	1,632,271	652,908	163,227	8,977,488
UTAH CONSORTIUM	6,529,082	1,632,271	652,908	163,227	8,977,488
REGION IX	161,172,621	40,293,153	6,085,766	1,521,442	209,072,982
ARIZONA	13,703,743	3,425,935	905,799	226,450	18,261,927
PHOENIX/MARICOPA	6,991,639	1,747,909	699,164	174,791	9,613,503
TUCSON-PIMA COUNTY	2,066,349	516,587	206,635	51,659	2,841,230
BALANCE OF ARIZONA	4,645,755	1,161,439	0	0	5,807,194
CALIFORNIA	138,147,639	34,536,908	4,413,474	1,103,369	178,201,390
SUNNYVALE	524,033	131,008	0	0	655,041
BERKELEY	1,165,548	291,387	0	0	1,456,935
GLENDALE	564,909	141,227	0	0	706,136
LONG BEACH	2,457,154	614,288	0	0	3,071,442
LOS ANGELES	21,114,997	5,278,749	0	0	26,393,746
OAKLAND	5,412,501	1,353,125	0	0	6,765,626
PASADENA	888,003	222,001	0	0	1,110,004
SAN FRANCISCO	7,201,467	1,800,367	0	0	9,001,834
TORRANCE	611,301	152,825	0	0	764,126
BUTTE COUNTY	836,503	209,126	0	0	1,045,629
CONTRA COSTA CNTY	2,480,736	620,184	0	0	3,100,920
KERN COUNTY	2,090,943	522,736	0	0	2,613,679
LOS ANGELES COUNTY	19,136,358	4,784,089	0	0	23,920,447
MARIN COUNTY	1,039,313	259,828	0	0	1,299,141
MERCED COUNTY	887,675	221,919	0	0	1,109,594
MONTEREY COUNTY	1,473,052	368,263	0	0	1,841,315

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
SAN LUIS OBISPO	642,096	160,524	0	0	802,620
SAN MATEO COUNTY	2,703,237	675,809	0	0	3,379,046
SANTA BARBARA CNTY	1,442,925	360,731	0	0	1,803,656
SANTA CRUZ COUNTY	1,048,359	262,090	0	0	1,310,449
SOLANO COUNTY	933,137	233,284	0	0	1,166,421
SONOMA COUNTY	1,643,516	410,879	0	0	2,054,395
STANISLAUS COUNTY	2,166,217	541,554	0	0	2,707,771
VENTURA COUNTY	2,339,909	584,977	0	0	2,924,886
SAN DIEGO RETC	9,274,760	2,318,690	927,476	231,869	12,752,795
ORANGE CNTY MANP	7,604,470	1,901,118	760,447	190,112	10,456,147
INLAND MANP ASSOC	8,463,775	2,115,944	846,377	211,594	11,637,690
FRESNO CTY/CNTY	4,067,755	1,016,939	406,775	101,694	5,593,163
TULARE/KINGS CNTY	2,035,168	508,792	203,517	50,879	2,798,356
SACRAMENTO/YOLO	4,596,142	1,149,036	459,614	114,904	6,319,696
STCKTN/SAN JOAQUIN	2,529,586	632,396	252,959	63,240	3,478,181
SANTA CLARA VALLEY	5,563,092	1,390,773	556,309	139,077	7,649,251
CNTY OF ALAMEDA	3,294,793	823,698	0	0	4,118,491
RICHMOND	1,294,137	323,534	0	0	1,617,671
IMPERIAL COUNTY	770,253	192,563	0	0	962,816
HUMBOLT CNTY	943,659	235,915	0	0	1,179,574
BAL OF CALIFORNIA	6,906,160	1,726,540	0	0	8,632,700
HAWAII	5,224,571	1,306,143	522,457	130,614	7,183,785
HAWAII ST/CNTY CRT	5,224,571	1,306,143	522,457	130,614	7,183,785
NEVADA	4,096,668	1,024,167	244,036	61,009	5,425,880
LAS VEGAS CSRT	2,440,360	610,090	244,036	61,009	3,355,495

EGION STATE PRIME SPONSOR	BASE GRANTS		CONSORTIA INCENTIVE		TOTAL TITLE I ALLOCATION
	FY 1976	TRANSITION QUARTER	FY 1976	TRANSITION QUARTER	
WASHOE COUNTY	862,707	215,677	0	0	1,078,384
BALANCE OF NEVADA	793,601	198,400	0	0	992,001
EGION X	48,526,278	12,131,571	2,029,305	507,327	63,194,481
ALASKA	3,507,753	876,938	0	0	4,384,691
ANCHORAGE	1,085,448	271,362	0	0	1,356,810
BALANCE OF ALASKA	2,422,305	605,576	0	0	3,027,881
IDAHO	4,948,300	1,237,075	494,830	123,708	6,803,913
IDAHO STATEWIDE	4,948,300	1,237,075	494,830	123,708	6,803,913
OREGON	15,147,658	3,786,914	279,153	69,789	19,283,514
PORTLAND CITY	3,527,145	881,786	0	0	4,408,931
CLACKAMAS COUNTY	893,359	223,340	0	0	1,116,699
MULTNOMAH/WASH CRT	1,660,712	415,178	0	0	2,075,890
LANE COUNTY	1,557,136	389,284	0	0	1,946,420
M-WILM VAL MPR CRT	1,693,551	423,388	169,355	42,339	2,328,633
JACKSON/JOSEPHINE	1,097,984	274,495	109,798	27,450	1,509,727
BALANCE OF OREGON	4,717,771	1,179,443	0	0	5,897,214
WASHINGTON	24,922,567	6,230,644	1,255,322	313,830	32,722,363
KING SNO CSRT	10,756,339	2,689,085	1,075,634	268,908	14,789,966
TACOMA CITY	1,443,015	360,754	0	0	1,803,769
PIERCE CNTY	1,312,049	328,012	0	0	1,640,061
SPOKANE CSRT	1,796,877	449,220	179,688	44,922	2,470,707
CLARK COUNTY	727,812	181,953	0	0	909,765
KITSAP COUNTY	607,822	151,956	0	0	759,778
YAKIMA COUNTY	1,280,094	320,024	0	0	1,600,118

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
BALANCE OF WASH	6,998,559	1,749,640	0	0	8,748,199
FORMULA TOTAL	1,311,493,571	327,873,357	37,702,118	9,425,527	1,686,494,573
E. KENTUCKY RURAL CEP	2,760,000	690,000	0	0	3,450,000
RURAL MINNESOTA CEP	2,059,000	514,750	0	0	2,573,750
N.W. WISCONSIN CEP	1,526,000	381,500	0	0	1,907,500
BUTTE MONTANA RURAL CEP	864,000	216,000	0	0	1,080,000
VIRGIN ISLANDS	1,219,700	304,925	0	0	1,524,695
AMERICAN SAMOA	239,600	59,900	0	0	299,500
GUAM	997,500	249,375	0	0	1,246,875
PACIFIC ISLANDS	315,500	78,875	0	0	394,375
NATIONAL TOTAL	1,321,474,871	330,368,682	37,702,118	9,425,527	1,698,971,198

ALLOCATIONS FOR STATE MANPOWER PLANNING COUNCILS FY 1976 and FY 1976/FY 1977 TRANSITION FUNDING

EGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
EGION I	788,290	197,070	985,360
CONNECTICUT	188,038	47,009	235,047
MAINE	71,373	17,843	89,216
MASSACHUSETTS	395,303	98,825	494,128
NEW HAMPSHIRE	35,775	8,943	44,718
RHODE ISLAND	66,644	16,661	83,305
VERMONT	31,157	7,789	38,946
EGION II	1,847,856	461,963	2,309,819
NEW JERSEY	435,703	108,925	544,628
NEW YORK	1,100,600	275,150	1,375,750
PUERTO RICO	311,553	77,888	389,441
EGION III	1,316,779	329,192	1,645,971
DELAWARE	32,823	8,205	41,028
MARYLAND	193,887	48,471	242,358
PENNSYLVANIA	634,830	158,715	793,545
VIRGINIA	240,510	60,127	300,637
WEST VIRGINIA	119,559	29,888	149,447
WASHINGTON D. C.	95,144	23,786	118,930
EGION IV	2,041,214	510.300	2,551,514
ALABAMA	220,278	55,069	275,347
FLORIDA	467,409	116,852	584,261
GEORGIA	275,682	68,920	344,602
KENTUCKY	206,467	51,616	258,083
MISSISSIPPI	146,115	36,528	182,646
NORTH CAROLINA	305,139	76,284	381,423
SOUTH CAROLINA	172,236	43,059	215,295
TENNESSEE	247,888	61,972	309,860
EGION V	2,404,106	601,025	3,005,131
ILLINOIS	558,464	139,616	698,080
INDIANA	278,654	69,663	348,317
MICHIGAN	622,229	155,557	777,786
MINNESOTA	199,080	49,770	248,850
OHIO	526,031	131,507	657,538
WISCONSIN	219,648	54,912	274,560

EGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
EGION VI	1,249,205	312,300	1,561,505
ARKANSAS	132,040	33,010	165,050
LOUISIANA	257,773	64,443	322,216
NEW MEXICO	75,613	18,903	94,516
OKLAHOMA	153,204	38,301	191,505
TEXAS	630,575	157,643	788,218
EGION VII	556,717	139,178	695,895
IOWA	119,980	29,995	149,975
KANSAS	103,785	25,958	129,743
MISSOURI	256,858	64,214	321,072
NEBRASKA	76,084	19,021	95,105
EGION VIII	318,791	79,696	398,487
COLORADO	112,633	28,158	140,791
MONTANA	49,702	12,425	62,127
NORTH DAKOTA	36,809	9,202	46,011
SOUTH DAKOTA	34,070	8,517	42,587
WYOMING	17,097	4,274	21,371
UTAH	68,480	17,120	85,600
EGION IX	1,632,480	408,118	2,040,598
ARIZONA	123,617	30,904	154,521
CALIFORNIA	1,412,139	353,034	1,765,173
HAWAII	54,785	13,696	68,481
NEVADA	41,939	10,484	52,423
EGION X	483,244	120,809	604,053
ALASKA	32,227	8,056	40,283
IDAHO	51,263	12,815	64,078
OREGON	152,205	38,051	190,256
WASHINGTON	247,549	61,897	309,436
ORMULA TOTAL	12,638,682	3,159,651	15,798,333
VIRGIN ISLANDS	9,930	2,483	12,413
AMERICAN SAMOA	1,951	488	2,439
GUAM	8,122	2,031	10,153
PACIFIC ISLANDS	2,569	567	3,136
ATIONAL TOTAL	12,661,254	3,165,220	15,826,474

ALLOCATIONS FOR SUPPLEMENTAL VOCATIONAL EDUCATIONAL SERVICES FY 1976 AND FY 1976/FY 1977 TRANSITION FUNDING

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION I	4,926,824	1,231,704	6,158,528
CONNECTICUT	1,175,236	293,809	1,469,045
MAINE	446,086	111,521	557,607
MASSACHUSETTS	2,470,642	617,660	3,088,302
NEW HAMPSHIRE	223,599	55,899	279,498
RHODE ISLAND	416,528	104,132	520,660
VERMONT	194,733	48,683	243,416
REGION II	11,549,082	2,887,269	14,436,351
NEW JERSEY	2,723,142	680,785	3,403,927
NEW YORK	6,876,738	1,719,684	8,598,422
PUERTO RICO	1,947,202	486,800	2,434,002
REGION III	8,229,875	2,052,467	10,282,342
DELAWARE	205,149	51,287	256,436
MARYLAND	1,211,792	302,948	1,514,740
PENNSYLVANIA	3,967,869	991,967	4,959,836
VIRGINIA	1,503,190	375,797	1,878,987
WEST VIRGINIA	747,223	186,805	934,028
WASHINGTON D. C.	594,652	143,663	738,315
REGION IV	12,757,585	3,189,393	15,946,978
ALABAMA	1,376,739	344,184	1,720,923
FLORIDA	2,921,303	730,325	3,651,628
GEORGIA	1,723,013	430,753	2,153,766
KENTUCKY	1,290,422	322,605	1,613,027
MISSISSIPPI	913,220	228,305	1,141,525
NORTH CAROLINA	1,907,116	476,779	2,383,895
SOUTH CAROLINA	1,076,474	269,118	1,345,592
TENNESSEE	1,549,298	387,324	1,936,622
REGION V	15,025,647	3,756,409	18,782,056
ILLINOIS	3,490,397	872,599	4,362,996
INDIANA	1,741,584	435,396	2,176,980
MICHIGAN	3,888,923	972,230	4,861,153
MINNESOTA	1,244,251	311,062	1,555,313
OHIO	3,287,690	821,922	4,109,612
WISCONSIN	1,372,802	343,200	1,716,002

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION VI	7,807,931	1,951,881	9,759,412
ARKANSAS	825,247	206,311	1,031,558
LOUISIANA	1,611,083	402,770	2,013,853
NEW MEXICO	472,585	118,146	590,731
OKLAHOMA	957,528	239,382	1,196,910
TEXAS	3,941,088	985,272	4,926,360
REGION VII	3,479,486	869,871	4,349,357
IOWA	749,876	187,469	937,345
KANSAS	648,721	162,180	810,901
MISSOURI	1,605,361	401,340	2,006,701
NEBRASKA	475,528	118,882	594,410
REGION VIII	1,992,450	498,110	2,490,560
COLORADO	703,954	175,988	879,942
MONTANA	310,635	77,658	388,293
NORTH DAKOTA	230,057	57,514	287,571
SOUTH DAKOTA	212,943	53,235	266,178
WYOMING	106,860	26,715	133,575
UTAH	428,001	107,000	535,001
REGION IX	10,202,991	2,550,746	12,753,737
ARIZONA	772,608	193,152	965,760
CALIFORNIA	8,825,857	2,206,464	11,032,321
HAWAII	342,407	85,601	428,008
NEVADA	262,119	65,529	327,648
REGION X	3,020,282	755,069	3,775,351
ALASKA	201,419	50,354	251,773
IDAHO	320,397	80,099	400,496
OREGON	951,285	237,821	1,189,106
WASHINGTON	1,547,181	386,795	1,933,976
FORMULA TOTAL	78,991,753	19,742,919	98,734,672
VIRGIN ISLANDS	62,070	15,518	77,588
AMERICAN SAMOA	12,194	3,049	15,243
GUAM	50,765	12,691	63,456
PACIFIC ISLANDS	16,057	4,014	20,071
NATIONAL TOTAL	79,132,839	19,778,191	98,911,030

ALLOCATIONS FOR STATE PLANNING GRANTS FY 1976 AND FY 1976/FY 1977 TRANSITION FUNDING

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION I	3,941,460	985,362	4,926,822
CONNECTICUT	940,189	235,047	1,175,236
MAINE	356,868	89,217	446,085
MASSACHUSETTS	1,976,514	494,128	2,470,642
NEW HAMPSHIRE	178,879	44,719	223,598
RHODE ISLAND	333,223	83,305	416,528
VERMONT	155,787	38,946	194,733
REGION II	9,239,266	2,309,815	11,549,081
NEW JERSEY	2,178,513	544,628	2,723,141
NEW YORK	5,502,991	1,375,747	6,878,738
PUERTO RICO	1,557,762	389,440	1,947,202
REGION III	6,583,901	1,645,973	8,229,874
DELAWARE	164,119	41,029	205,148
MARYLAND	969,434	242,358	1,211,792
PENNSYLVANIA	3,174,296	793,574	3,967,870
VIRGINIA	1,202,552	300,638	1,503,190
WEST VIRGINIA	597,779	149,444	747,223
WASHINGTON D. C.	475,721	118,930	594,651
REGION IV	10,206,070	2,551,514	12,757,584
ALABAMA	1,101,391	275,347	1,376,738
FLORIDA	2,337,043	584,260	2,921,303
GEORGIA	1,378,411	344,602	1,723,013
KENTUCKY	1,032,338	258,084	1,290,422
MISSISSIPPI	730,576	182,644	913,220
NORTH CAROLINA	1,525,693	381,423	1,907,116
SOUTH CAROLINA	861,180	215,295	1,076,475
TENNESSEE	1,239,438	309,859	1,549,297
REGION V	12,020,519	3,005,128	15,025,647
ILLINOIS	2,792,318	698,079	3,490,397
INDIANA	1,393,268	348,317	1,741,585
MICHIGAN	3,111,138	777,784	3,888,922
MINNESOTA	995,401	248,850	1,244,251
OHIO	2,630,152	657,538	3,287,690
WISCONSIN	1,098,242	274,560	1,372,802

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION VI	6,246,025	1,561,506	7,807,529
ARKANSAS	660,198	165,049	825,247
LOUISIANA	1,288,866	322,216	1,611,082
NEW MEXICO	378,068	94,517	472,585
OKLAHOMA	766,022	191,505	957,527
TEXAS	3,152,871	788,217	3,941,088
REGION VII	2,783,587	695,896	3,479,483
IOWA	599,900	149,975	749,875
KANSAS	518,977	129,744	648,721
MISSOURI	1,284,286	321,072	1,605,360
NEBRASKA	380,422	95,105	475,527
REGION VIII	1,593,959	398,488	1,992,447
COLORADO	563,163	140,790	703,953
MONTANA	248,508	62,127	310,635
NORTH DAKOTA	184,046	46,011	230,057
SOUTH DAKOTA	170,354	42,588	212,942
WYOMING	85,488	21,372	106,860
UTAH	342,400	85,600	428,000
REGION IX	8,162,394	2,040,597	10,202,991
ARIZONA	618,087	154,521	772,608
CALIFORNIA	7,060,686	1,765,171	8,825,857
HAWAII	273,925	68,481	342,406
NEVADA	209,696	52,424	262,120
REGION X	2,416,226	604,055	3,020,281
ALASKA	161,135	40,283	201,418
IDAHO	256,318	64,079	320,397
OREGON	761,028	190,257	951,285
WASHINGTON	1,237,745	309,436	1,547,181
FORMULA TOTAL	63,193,407	15,798,332	78,991,739
VIRGIN ISLANDS	49,651	12,413	62,064
AMERICAN SAMOA	9,755	2,439	12,194
GUAM	40,613	10,153	50,766
PACIFIC ISLANDS	12,845	3,211	16,056
NATIONAL TOTAL	63,306,271	15,826,548	79,132,819

Signed at Washington, D.C. this 9th day of December, 1975.

ALBERT J. ANGEBRANNDT,
Associate Manpower Administrator for Administration & Management.

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