AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.40—No.222
11–17–75
PAGES
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federal register

MONDAY, NOVEMBER 17, 1975

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federal register

Area Code 202 Phone 523–5240

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

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Title 3—The President

Memorandum of October 23, 1975

Finding and Determination Under Section 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Egypt

[Presidential Determination No. 76-5]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, October 23, 1975.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act of 500 thousand metric tons of wheat/wheat flour (wheat grain equivalent) and 4,200 metric tons of tobacco and/or tobacco products is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of wheat/wheat flour and tobacco and/or tobacco products in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 500 thousand metric tons of wheat/wheat flour (wheat grain equivalent) and 4,200 metric tons of tobacco and/or tobacco products financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. The Government of Egypt has informed us, and other information corroborates that Egyptian commerce with Cuba is so limited, and that Egypt does not trade with or transport goods to or from North Vietnam. Section 103(d)(4) also prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above make the proposed sale important to the national interest of the United States.

Section 410 of P.L. 480 prohibits sales under Title I of P.L. 480 to a country in violation of Section 620(e) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of American nationals without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, 1974 Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). As a result of preliminary discussions held in Cairo in the period July 3–August 9, 1975, the Egyptian Government in a press release issued in Cairo on August 3, 1975 announced that agreement in principle had been reached concerning payment of compensation for the property of U.S. nationals. Further discussions are scheduled to take place in the near future. Therefore, no waiver of that provision is required to permit this sale of wheat/wheat flour and tobacco to Egypt under Title I of P.L. 480.

[FR Doc.75-31104 Filed 11-13-75;2:36 pm]

rules and regulations

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

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

Title 7—Agriculture

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

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This regulation, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas imposes pack, container and inspection requirements to standardize the pack of lettuce being shipped to consumers.

Notice of rule making on a proposed handling regulation, to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER October 22, 1975 (40 FR 49348). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written exceptions not later than November 6, 1975. None was filed.

After consideration of all relevant matters, including the proposal set forth in the notice, it is found that the handling regulation will tend to effectuate the declared policy of the act.

This regulation is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the 1975–76 lettuce crop and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas is accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Therefore, "packaging holidays" on Sundays and Christmas Day will promote more orderly marketing.

The pack and container requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and will prevent deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of domestic trade. Because of the production area's close proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers can utilize lettuce which fails to meet the pack and container regulations. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

It is further found that good cause exists for not postponing the effective date of this section 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area are expected to begin about the effective date specified herein, (2) to maximize benefits to producers, the effective period of this regulation should be set to cover as many shipments as possible during the shipping season, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date.

The regulation is as follows:

§ 971.316 Handling regulation.

During the period November 24, 1975, through March 31, 1976, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) (Reserved)

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only the following depth, width and length respectively;

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9¾ inches x 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10¾ inches x 16⅛ inches x 21½ inches (designated as carrier container No. 85–40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraph (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* The pack, container, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purpose, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

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

Dated November 11, 1975 to become effective November 24, 1975.

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

[FR Doc.75-30895 Filed 11-14-75;8:45 am]

[Docket No. AO-205-A4]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of filberts grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of filberts grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Further Amended, Regulating the Handling of Filberts Grown in Oregon and Washington" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1974 through July 31, 1975, handled not less than 50 percent of the volume of such filberts covered by the said order, as amended, and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1974 through July 31, 1975 (which has been deemed to be a representative period), have been engaged within the States of Oregon and Washington, in the production of filberts for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of filberts grown in Oregon and Washington, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 982.16 is revised to read:

§ 982.16 Inshell trade demand.

"Inshell trade demand" means the quantity of inshell filberts acquired by the trade from all handlers during a marketing policy year for distribution in the continental United States.

2. Section 982.17 is revised to read:

§ 982.17 Fiscal year and marketing policy year.

(a) "Fiscal year" means 12 months from August 1 to the following July 31, both inclusive.

(b) "Marketing policy year" means the 12 months from August 1 to the following July 31, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

3. Section 982.40 is revised to read:

§ 982.40 Board's estimates and recommendations.

(a) For each marketing policy year, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for that year. The recomendation shall include the following:

(1) *Inshell allocation.* (i) The Board's estimate of the quantity of merchantable filberts or available supply expected to be produced that year, taking into consideration an adjustment to protect against any error in estimation of that production. As soon as practicable after the official estimate of production is released in November, the Board shall, if necessary, meet to determine if a change should be made in the Board's estimate of the quantity of merchantable filberts or available supply expected to be produced.

(ii) The Board's estimate of the inshell handler carryover on the first day of the marketing policy year, segregated as to the quantity subject to regulation and not subject to regulation.

(iii) The Board's recommendation, if any, for handler carryover of inshell filberts on the last day of the marketing policy year, which may be available for handling as inshell filberts thereafter.

(iv) The Board's estimate of the trade demand for inshell filberts for that year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled filbert market conditions and other factors affecting trade demand for inshell filberts during the year.

(v) The Board's recommendation as to a free percentage and a restricted percentage to be established for that year.

(2) *Grade and size regulations.* The Board shall review the grade and size regulations in effect and may recommend modifications thereof.

(b) *Revisions.* At any time prior to February 15 of any year, the Board, or two or more handlers who during the preceding marketing policy year (or fiscal year, when appropriate) handled at least 10 percent of all filberts handled, may recommend to the Secretary revision in the marketing policy for that year.

4. Section 982.41 is revised to read:

§ 982.41 Free and restricted percentages.

Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of merchantable filberts which may be handled during a marketing policy year would tend to effectuate the declared policy of the act, he shall establish a free percentage or increase the free percentage, as applicable, to prescribe the portion of those filberts which may be handled as inshell filberts and a restricted percentage to prescribe the portion that must be withheld from such handling. In establishing such percentages the Secretary shall consider the ratio of (a) the sum of the estimated inshell trade demand and, when applicable, the inshell handler carryover at the end of the year, less that portion of the inshell handler carryover at the beginning of the marketing policy year not subject

to regulation to (b) the estimated supply of merchantable filberts subject to regulation and other relevant factors. Until free and restricted percentages are established by the Secretary for a marketing policy year, the percentages in effect at the end of the previous year shall be applicable.

5. Section 982.46 is revised to read:

§ 982.46 Inspection and certification.

(a) Before or upon handling any filberts, or before any inshell or shelled filberts are credited (under §§ 982.50 or 982.51) in satisfaction of a restricted obligation, each handler shall, at his own expense, cause such filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations or, if inshell or shelled filberts are withheld under § 982.51, the applicable requirements specified in that section. The handler obtaining such inspection of filberts shall cause a copy of the certificate issued by such inspection service applicable to such filberts to be furnished to the Board.

(b) All filberts so inspected and certified shall be identified by seals, stamps, tags, or other identification prescribed by the Board. Such identification shall be affixed to the filbert containers by the handler under direction and supervision of the Board or the Federal-State Inspection Service, and shall not be removed or altered by any person except as directed by the Board.

(c) Whenever the Board determines that the length of time in storage and conditions of storage of any lot of certified merchantable filberts have been or are such as to normally cause deterioration, it may require that such lot of filberts be reinspected at the handler's expense prior to handling.

6. Section 982.50 is revised to read:

§ 982.50 Restricted obligation.

(a) No handler shall handle inshell filberts unless prior to or upon shipment thereof, he: (1) Has withheld from handling a quantity, by weight, or certified merchantable filberts determined by dividing the quantity handled, or to be handled, by the free percentage and multiplying the quotient by the restricted percentage; (2) has withheld from handling an equivalent quantity of creditable ungraded inshell filberts under § 982.51 (a); or (3) has under § 982.51(b), declared in lieu of a quantity of certified merchantable filberts, under subparagraph (1) of this paragraph, the equivalent quantity, by weight as determined under that section, of shelled filberts certified as meeting the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels or such other standards as may be recommended by the Board and established by the Secretary. Any handler who intends to withhold shelled filberts in satisfaction of a restricted obligation must make such declaration to the Board prior to shelling any such filberts. Withholding may be temporarily deferred under the bonding provisions in § 982.54. The quantity of filberts required to be withheld shall be the restricted obligation. Certified merchantable filberts handled in accordance with this subpart shall be deemed to be the handler's quota fixed by the Secretary within the meaning of section 8a(5) of the Act.

(b) Inshell filberts withheld by a handler in satisfaction of his restricted obligation shall not be handled and shall be held by him subject to examination by and accounting control of, the Board until disposed of pursuant to this part.

(c) A handler having certified merchantable filberts which have not been handled at the end of a marketing policy year may elect to have those filberts bear the restricted and assessment obligations of that year or of the marketing policy year in which handled. The Board shall establish such procedures as are necessary to facilitate the administration of this option among handlers.

(d) Whenever the restricted percentage for a marketing policy year is reduced, each handler's restricted obligation shall be reduced to conform with the new restricted percentage. Any handler who, upon such reduction, is withholding restricted filberts in excess of his new restricted obligation may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining filberts withheld

7. Section 982.51 is revised to read:

§ 982.51 Restricted credit for ungraded inshell filberts and for shelled filberts.

(a) A handler may withhold ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of his restricted obligation, and the weight on which credit may be received shall be the total weight less the cumulative total percentage, by weight, of (1) all internal defects, (2) all external defects in excess of 10 percent and (3) all small-sized filberts in excess of 5 percent (as defined in the Oregon Grade Standards Filberts In Shell). Any lot of ungraded filberts having a creditable weight of less than 50 percent of its total weight, or not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determination as to defects and small-sized filberts shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 982.50. The provisions of this section may be modified by the Secretary on the basis of a recommendation of the Board or other information.

(b) A handler may withhold, in accordance with § 982.50(a) shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of any such filberts shall be determined by multiplying the weight of the shelled filberts by 250 percent. This percent may be changed upon recommendation of the Board and approval of the Secretary.

8. Section 982.52 is revised to read:

§ 982.52 Disposition of restricted filberts.

Filberts withheld from handling as inshell filberts pursuant to §§ 982.50 and 982.51 may be disposed of as follows:

(a) *Shelling.* Any handler may dispose of such filberts by shelling them under the direction or supervision of the Board or by delivering them to an authorized sheller. Any person who desires to become an authorized sheller in any marketing policy year may submit written application during such year to the Board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such restricted filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such restricted filberts, as inshell filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to shelling of filberts; and

(4) To make such reports, certified to the Board and to the Secretary as to their correctness, as the Board may require.

(b) *Export.* Sales of certified merchantable restricted filberts for shipment or export to destinations outside the continental United States shall be made only by the Board. Any handler desiring to export any part or all of his certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f.o.b. area of production. The proceeds of all export sales after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

(c) *Other outlets.* In addition to the dispositions authorized in paragraphs (a) and (b) of this section, the Board may designate such other outlets into which such filberts may be disposed which it determines are noncompetitive with normal market outlets for inshell filberts. Such dispositions shall be made

under the direction or supervision of the Board.

(d) *Restricted credits.* During any marketing policy year, handlers who dispose of a quantity of certified merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a marketing policy year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers as he may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

9. Section 982.54 is revised to read:

§ 982.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date desired by the handler, but not later than April 30 of the marketing policy year, upon the voluntary execution and delivery by such handler to the Board, before he handles any merchantable filberts of such marketing policy year, of a written undertaking, secured by a bond or bonds with a surety or sureties acceptable to the Board, that on or prior to such date he will have fully satisfied his restricted obligation required by § 982.50.

(b) *Bonding requirement.* Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred restricted obligation. The bonding value shall be the deferred restricted obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the handler filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed at the opening price for such pack announced by the handler or handlers who during the preceding marketing policy year handled more than 50 percent of the merchantable filberts handled by all handlers. Such handler or handlers shall be selected in the order of volume handled in the preceding marketing policy year (or fiscal year, if applicable) using the minimum number of handlers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs, the price so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing policy year (or fiscal year, if applicable) by each such handler. Until bonding rates for a marketing policy year are fixed, the rates in effect for the preceding marketing policy year (or fiscal year, if applicable) shall continue in effect and when such new rates are fixed, necessary adjustments should be made.

(d) *Filbert purchases.* Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, as provided in this paragraph, a quantity of certified merchantable filberts on which the restricted obligation has been met, not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest priced packs offered, and the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(e) *Unexpended sums.* Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing policy year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of filberts as provided in paragraph (d) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion of the quantity of certified merchantable filberts handled by them during the marketing policy year in which the default occurred.

(f) *Transfer of filbert purchases.* Filberts purchased as provided in this section shall be turned over to those handlers who have defaulted on their bonds for disposal by them as restricted filberts. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various handlers on the basis of the ratio of the quantity of filberts to be delivered to each handler to the total quantity purchased by the Board with bonding funds.

(g) *Collection upon bonds.* Collection upon any defaulted bond shall be deemed a satisfaction of the restricted obligation represented by the collection.

10. Section 982.65 is revised to read:

§ 982.65 Carryover reports.

On or before January 15 and August 5, of each year and within 10 days following the end of a marketing policy year, respectively, each handler shall report to the Board his inventory of inshell and shelled filberts as of January 1, August 1, and the first day of the marketing policy year, respectively. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

11. Section 982.71 is revised to read:

§ 982.71 Records.

Each handler shall maintain such records of filberts received, held and disposed of by him as may be prescribed by the Board in order to perform its function under this part. Such records shall be retained and be available for examination by authorized representatives of the Board or the Secretary for a period of two years after the end of the marketing policy year in which the transactions occurred.

12. Paragraph (b) (3) of § 982.80 is revised to read:

§ 982.80 Effective time, termination or suspension.

* * * * *

(b) * * *

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing policy year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding marketing policy year (or fiscal year, if applicable) have been engaged in the production for marketing of filberts in the States of Oregon and Washington: *Provided*, That, such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced 30 days or more before the end of the then current marketing policy year.

* * * * *

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

Effective date: January 2, 1976.

Signed at Washington, D.C., on November 12, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-30988 Filed 11-14-75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Preliminary Free and Reserve Percentages for the 1975-76 Crop Year

Notice was published in the October 21, 1975, issue of the FEDERAL REGISTER (40 FR 49097) of a proposal to designate for natural Thompson Seedless and Dipped Seedless raisins for the 1975-76 crop year, beginning September 1, 1975, preliminary free tonnage percentages of 52 percent and 53 percent, respectively, and preliminary reserve tonnage percentages of 48 percent and 47 percent, respectively. These designations would be under § 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. It was also proposed that § 989.224 (40 FR 46299) be revised to delete the designation of a desirable

free tonnage for the 1975–76 crop year of 2,850 tons of Zante Currant raisins contained in that section.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. One written comment was received.

The proposal was unanimously recommended by the Raisin Administrative Committee. The Committee's recommendation with respect to designation of free and reserve tonnage percentages was under § 989.54(b) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Production of natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year has been estimated to be 240,000 tons and 9,000 tons, respectively, by the Committee. The Committee determined that a field price for natural Thompson Seedless and Dipped Seedless raisins is firmly established. Under § 989.54(b) of the order, the Committee is required to recommend to the Secretary a preliminary free tonnage percentage which when applied to the estimated production of a varietal type would release 85 percent of the desirable free tonnage for that varietal type. A desirable free tonnage for natural Thompson Seedless and Dipped Seedless raisins of 148,000 tons and 5,620 tons, respectively, was designated by the Secretary on October 7, 1975 (40 FR 46299).

Eighty-five percent of the desirable free tonnage for natural Thompson Seedless raisins would be 125,800 tons. Dividing 125,800 tons by the estimated production (240,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 52 percent. Eighty-five percent of the desirable free tonnage for Dipped Seedless raisins would be 4,777 tons. Dividing 4,777 tons by the estimated production (9,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 53 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentage and 100 percent shall be the reserve percent. Thus, the preliminary reserve percentages for natural Thompson Seedless and Dipped Seedless raisins would be 48 percent and 47 percent, respectively.

The commentator stated that the action proposed would regulate the volume of free and reserve tonnage of Dipped Seedless raisins in a highly speculative, and thus arbitrary manner because: Dipped Seedless raisins do not have the September 1–August 31 crop year for other raisins (but rather, have an August 1–July 31 crop year), and thus the action is arbitrary because the Committee's estimates were uninformed guesswork and conjectural; use of a crop year ending August 31 compels the Committee to estimate the percentages for Dipped Seedless raisins on the basis of two harvests; a quota allocation system should be adopted for Dipped Seedless raisin producers; and the proposed action requires the Dipped Seedless industry to overproduce in order to obtain the tonnage needed for desirable free tonnage.

The crop year is defined in the order as the 12-month period beginning on September 1 of any year and ending with August 31 of the following year, and can be changed only by amending the order. However, production of Dipped Seedless raisins occurring in August of 1976 need not necessarily cause difficulty. This production would undoubtedly be intended for the 1976–77 crop year. Thus, these raisins might be held by producers until September 1, or might be received by handlers in August, but acquired by them after September 1. In either case, the raisins would be subject to any new crop year regulations. If it becomes apparent during a crop year that the production of a varietal type of raisin may be less than was estimated, the order provides for modification, suspension, or termination of the designated percentages, in order that a sufficient tonnage of that varietal type may be made available. Furthermore, § 989.67(j) provides a mechanism to augment free tonnage supplies. As to a quota allocation system for Dipped Seedless raisins, the order does not now provide any such system and it could be provided only by amendment of the order.

Additional information was included in the comment which was not directly relevant to the issue on this matter.

A desirable free tonnage, for the 1975–76 crop year, of 2,850 tons for Zante Currant raisins was designated on October 7, 1975 (40 FR 46299), and is contained in § 989.224. The Committee's October 3, 1975, estimated production of these raisins for the 1975–76 crop year was 2,850 tons. Therefore, the Committee recommended that § 989.224 be revised to delete the desirable free tonnage designated for these raisins in that section. This action would enable handlers to market all of their stocks of Zante Currant raisins into any available outlets.

After consideration of all relevant matter presented, including that in the notice, the written comment submitted pursuant to the notice, the information and recommendation of the Committee, and other available information, it is found that: Designation, under § 989.55 of the order, of preliminary free and reserve percentages applicable to natural Thompson Seedless and Dipped Seedless raisins, and deletion of the designation of a desirable free tonnage for the 1975–76 crop year of 2,850 tons of Zante Currant from § 989.224, as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The percentages designated herein for a crop year apply to all standard natural Thompson Seedless and Dipped Seedless raisins acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1975, and the preliminary free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; (4) no useful purpose would be served by delaying this action; and (5) with respect to Zante Currant raisins, this action relieves restrictions so that handlers may dispose of these raisins into any available outlet.

Therefore, Subpart—Supplementary Order Regulating Handling (§§ 989.201–989.230) is amended by: (1) Revising § 989.224 to delete the designation of a desirable free tonnage for Zante Currant raisins from that section; and (2) adding a new § 989.231, as follows:

1. Section 989.224 is revised to read:

§ 989.224 Desirable free tonnage.

The desirable free tonnage designated for natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year are 148,000 tons and 5,620 tons, respectively.

2. A new § 989.231 is added reading as follows:

§ 989.231 Free and reserve percentages for the 1975–76 crop year.

The preliminary percentages of standard natural Thompson Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning September 1, 1975, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural Thompson seedless	52	48
Dipped seedless	53	47

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

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

Dated: November 11, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-30896 Filed 11-14-75;8:45 am]

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 1]

PART 16—LIMITATION ON IMPORTS OF MEAT

Restriction on the Importation of Meat From Australia

Part 16 is amended by adding a new section prohibiting the importation of

meat in excess of 638.5 million pounds from Australia during the calendar year 1975. This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out a bilateral agreement negotiated with the Government of Australia pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 and shall become effective as set forth below.

The subpart, Section 204 Import Regulations of Part 16, Subtitle A of Title 7 (40 FR 31227), is amended as follows:

1. Section 16.4, *Effective date*, is deleted and a new § 16.4, *Quantitative restrictions*, is added to read as follows:

§ 16.4 Quantitative restrictions.

(a) *Imports from Australia.* No more than 638.5 million pounds of meat which is the product of Australia may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1975.

(b) [Reserved.]

Effective date: The regulation contained in this amendment shall become effective November 17, 1975, but meat released under the provisions of Section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

Dated: November 14, 1975.

JAMES D. KEAST,
Acting Secretary of Agriculture.

[FR Doc.75-31191 Filed 11-14-75;12:05 pm]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL

Effluent Monitoring and Reporting Requirements

On October 31, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 38392) proposed amendments to its regulations 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," which would specify reporting requirements regarding results of monitoring for radionuclides in gaseous and liquid effluents released to unrestricted areas from uranium milling, uranium hexafluoride production and other licensed fuel cycle activities in which special nuclear material is used.

Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by December 2, 1974. The comments received favored the adoption of the amendments but suggested changes in the proposed frequency of the reports and imposition of a requirement that licensees also file such reports with the appropriate State agency. None of the comments were substantive technical comments of an adverse nature. The reported effluent monitoring results will be public information available to anyone on request. The matter of environmental monitoring is a separate consideration of the regulations. Upon consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments without modification, except for changing the proposed § 70.57 to § 70.59.

On October 11, 1974 the Energy Reorganization Act of 1974 (Pub. L. 93-438; 88 Stat. 1233) was enacted into law. This Act abolished the Atomic Energy Commission and, by section 201 established the Nuclear Regulatory Commission (effective January 19, 1975) (E. O. 11834) and transferred to that Commission all of the licensing and related regulatory functions of the Atomic Energy Commission. In addition, section 301 of the Energy Reorganization Act provides that any proceedings pending before the AEC at the time of its abolition shall, to the extent that such proceedings relate to functions transferred by the Act, be continued.

The amendments do not impose new restrictions on the concentration or amounts of effluents released to unrestricted areas from licensed activities, nor do they add any measurement requirements nor modify the concept of maintaining radiation exposures and releases of radioactive materials in effluents to unrestricted areas as low as is practicably achievable, as specified in 10 CFR 20.1.

The amendments require each licensee authorized to engage in uranium milling, or the production of uranium hexafluoride, or licensed to possess or use special nuclear materials for fuel fabrication and processing, conversion of uranium hexafluoride or scrap recovery to submit semiannual reports of the quantities of radioactive materials released to unrestricted areas. If quantities released during the reporting period are significantly above design objectives, the licensee will be required to cover that fact specifically in its reports. The information received from the licensee will provide an improved technical basis from which the Commission will continue to evaluate the potential radiation dose commitment to the public resulting from the normal operations of such facilities.

Licensees presently monitor effluent streams to determine the concentrations of radionuclides in effluents released from these fuel cycle plants. The records of measurements made are presently available to the Commission on request. Such licensees are required by the amendments to Parts 40 and 70 to make the results of those measurements available to the Commission on a periodic basis.

The Commission is now preparing effluent monitoring guides defining the type and format of information to be submitted. The guidance is expected to be available before the end of FY 1976.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 40 and 70 are published as a document subject to codification.

1. A new § 40.65 is added to 10 CFR Part 40 to read as follows:

§ 40.65 Effluent monitoring reporting requirements.[1]

(a) Each licensee authorized to possess and use source material in uranium milling or production of uranium hexafluoride, shall:

(1) Submit a report to the Commission within 60 days after January 1, 1976, and within 60 days after January 1 and July 1 of each year thereafter, specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous six months of operation, and such other information the Commission may require to estimate maximum potential annual radiation doses to the public resulting from effluent releases. If quantities of radioactive materials released during the reporting period are significantly above the licensee's design objectives previously reviewed as part of the licensing action, the report shall cover this specifically. On the basis of such reports and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

2. A new § 70.59 is added to 10 CFR Part 70 to read as follows:

§ 70.59 Effluent monitoring reporting requirements.[2]

(a) Each licensee authorized to possess and use special nuclear material for processing and fuel fabrication, scrap recovery or conversion of uranium hexafluoride, shall:

(1) Submit a report to the Commission within 60 days after January 1, 1976, and within 60 days after January 1 and July 1 of each year thereafter, specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents during the previous six months of operation, and such other information as the Commission may require to estimate maximum potential annual radiation doses to the public resulting from effluent releases. If quantities of radioactive materials released during the reporting periods are significantly above the licensee's design objectives previously reviewed as part of the licensing action, the report shall cover this specifically. On the basis of

[1] The reporting requirements contained in § 40.65 have been approved by GAO under number B-180225 (RO 203).

[2] The reporting requirements contained in § 70.59 have been approved by GAO under number B-180225 (R0061).

such reports and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

Effective date.—These amendments become effective on December 17, 1975.

(Secs. 53, 63, 65, 161o, 182, 183, Pub. Laws 83-703, 88-489, 68 Stat. 930 as amended, 933, 935, 948 as amended, 953, as amended, 954 (42 U.S.C. 2073, 2093, 2095, 2201(o), 2232, 2233); Secs. 201, 301, Pub. Law 93-438, 88 Stat. 1242, 1248).

Dated at Washington, D.C. this 11th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-30833 Filed 11-14-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15169, Amdt. 39-2433]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH-114 "Heron" Airplanes

There have been reports of cracks of the inboard section of the wing main spar upper and lower flanges on Hawker Siddeley DH-114 "Heron" airplanes that could result in catastrophic failure of the wing structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the inspection and repair, as necessary, of the affected wing area on DH-114 airplanes.

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

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), 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 LIMITED. Applies to DH-114 "Heron" airplanes, Serial Numbers up to and including 14093 and Serial Number 14098, certificated in all categories, which have not been altered in accordance with Hawker Siddeley Modification 843.

Compliance is required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the wing structure, accomplish the following:

(a) Inspect the inboard sections of the left and right wing main spar upper and lower flanges for cracks in accordance with the X-ray technique described in Appendix I, Issue 2, as amended June 16, 1975, of Hawker Siddeley Technical News Sheet (T.N.S.) No. W. 6, Issue 3, dated March 17, 1975, or an FAA-approved equivalent inspection.

(b) If any cracks are detected in a spar joint as a result of the inspection required by paragraph (a) of this AD, before further flight, repair the joint in accordance with the appropriate part of Appendix 2 of Hawker Siddeley Technical News Sheet (T.N.S.) No. W. 6, Issue 3, dated March 17, 1975, or an FAA-approved equivalent.

(c) Upon compliance with paragraph (a) of this AD, it is requested that copies of the X-rays or of the results of the FAA-approved equivalent inspection be forwarded to DOT/FAA, Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

(Reporting approved by the Bureau of the Budget under B.O.B. No. 04-R0174).

This amendment becomes effective December 1, 1975.

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

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

[FR Doc.75-30908 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-GL-58]

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

Designation of Control Zone and Transition Area

On page 42366 of the FEDERAL REGISTER dated September 12, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the control zone and transition area at Lone Rock, Wisconsin.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendments. Two comments were received. The Air Transport Association concurred with the proposal. The State of Wisconsin, Aeronautics Division, and Mr. Brewer, Manager of the Richland Airport, Richland Center, Wisconsin, objected to the control zone and transition area because of the effect the control zone would have on the VFR traffic flying along the Wisconsin River and the effect of the transition area on the Richland Airport. To alleviate these conditions, the control zone over and south of the river and the transition area within a 2-mile radius of the Richland Airport are eliminated. IFR aircraft on approach to and departure from the Tri-County Airport will retain full control protection.

Accordingly, the proposed amendments are hereby adopted subject to the minor changes as set forth below.

In § 71.171 (40 FR 354), the following control zone is added:

LONE ROCK, WISCONSIN

Within a 5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.); excluding the portion overlying and south of the Wisconsin River. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

LONE ROCK, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.); excluding a 2-mile radius of the Richland Airport (latitude 43°16'54" N., longitude 90°-17'48" W.).

These amendments shall be effective 0901 G.m.t., January 29, 1976.

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

Issued in Des Plaines, Ill., on October 30, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-30913 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-GL-59]

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

Alteration of Transition Area

On page 42366 of the FEDERAL REGISTER dated September 12, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Olney, Ill.

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

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

This amendment shall be effective 0901 G.m.t., January 29, 1976.

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

Issued in Des Plaines, Ill., on October 29, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 17.181 (40 FR 441), the following transition area is amended to read:

OLNEY, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport (latitude 38°43'20" N., longitude 88°10'25" W.); within 2 miles each side of the 223° bearing from the airport, extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2 miles each side of the 344° radial of Samsville VORTAC, extending from the 5-mile radius area to 5.5 miles southeast of the airport.

[FR Doc.75-30910 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-GL-60]

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

Alteration of Transition Area

On page 42366 of the FEDERAL REGISTER dated September 12, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Canton, Illinois.

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

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

This amendment shall be effective 0901 G.m.t., January 29, 1976.

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

Issued in Des Plaines, Ill., on October 29, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

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

PEKING, ILLINOIS

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

PEORIA, ILLINOIS

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54′ N., longitude 89°59′ W., to latitude 40°52′ N., longitude 89°41′ W., to latitude 40°42′ N., longitude 89°31′ W., to latitude 40°23′ N., longitude 89°34′ W., to latitude 40°26′ N., longitude 90°07′ W., to latitude 40°34′ N., longitude 90°11′ W., to latitude 40°47′ N., longitude 90°08′ W., to point of beginning.

[FR Doc.75-30911 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-SO-140]

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

Alteration of Transition Area

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

The Auburn transition area is described in § 71.181 (40 FR 441). The description contains three extensions which are no longer needed due to revisions to instrument approach procedures serving the airport. To accommodate the revised procedures it is necessary to increase the basic radius of the transition area and to delete the extensions. It is also necessary to correct the geographical coordinates of the airport. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

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

In § 71.181 (40 FR 441), the Auburn, Alabama, transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Auburn-Opelika Airport (latitude 32°36′52″ N., longitude 85°25′52″ W.).

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

Issued in East Point, Ga., on November 3, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-30912 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-SO-144]

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

Alteration of Transition Area

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

The Sebring transition area is described in § 71.181 (40 F.R 441). The official name of the airport has been changed from Sebring Air Terminal to Sebring Airport and Industrial Park. It is necessary to alter the description by changing the airport name. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

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.

In § 71.181 (40 F.R 441), the Sebring, Florida, transition area is amended as follows: "* * * Sebring Air Terminal * * *" is deleted and "* * * Sebring Airport and Industrial Park * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 134(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on November 3, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-30909 Filed 11-14-75;8:45 am]

[Airspace Docket Docket No. 75-WE-12]

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

Alteration of VOR Federal Airway

On July 25, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 31245) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of V-108 between Linden, Calif., and Crockett Intersection, Calif., and redesignate V-108 from Crockett Intersection to Santa Rosa, Calif., via Napa, Calif.

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

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

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

In V-108: All before "From Colorado Springs, Colo." is deleted and "From Santa Rosa, Calif., via Napa, Calif.; INT Napa 131° and Concord, Calif., 276° radials; 7 miles wide (4 miles N and 3 miles S of centerline), Concord; Linden, Calif." is substituted therefor.

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

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

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

[FR Doc.75-30914 Filed 11-14-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 80—FURNISHING PERSONAL CENSUS DATA FROM CENSUS OF POPULATION SCHEDULES

Procedures for Obtaining Information From Decennial Records

On September 11, 1975, the Bureau of the Census published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 42209), setting forth proposed regulations and procedures to be followed to obtain data from decennial census of population records. These regulations will be added to Title 15 of the Code of Federal Regulations as Part 80. Interested persons were invited to submit written comments regarding the proposed regulations no later than October 14, 1975.

After consideration of all such relevant matter presented, the rules for Part 80 are hereby adopted.

Effective date. This part becomes effective on November 17, 1975.

Dated: November 5, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

Part 80 is added to 15 CFR to read as follows:

Sec.
80.1 General requirements.
80.2 Rules pertaining to records of the living.
80.3 Rules applicable to deceased persons and estates.
80.4 Signatures of persons unable to sign their name

Sec.
80.5 Detrimental use of information.
80.6 False statements.

AUTHORITY: Sec. 1, Pub. L. 83-1158, 68 Stat. 1013 (13 U.S.C. 8).

§ 80.1 General requirements.

(a) Data from records of decennial census of population questionnaires pertaining to an individual will be released only in accordance with these rules.

(b) Census information contains only the responses recorded by the Census enumerator; no changes of any of these entries have been or can be made.

(c) Requests for information from decennial census of population records (herein "Census information") should be made on Form BC-600, which is available from offices of the Bureau of the Census at Suitland, Maryland 20233 and Pittsburg, Kansas 66762, all county courthouses, Social Security field offices, and immigration and Naturalization Service offices. A letter request—without Form BC-600—will be accepted only if it contains the information necessary to complete a Form BC-600. No application will be processed without payment of the required fee as set forth in 15 CFR 50.5.

(d) The Bureau may require verification of the identity of the applicant requesting Census information and it may require the applicant to submit the following notorized statement:

I, _____, do hereby
(Printed name)
certify that I am the individual to whom the requested record pertains or that I am within the class of persons atuhorized to act on his behalf in accordance with 15 CFR, Part 80.

_____
(Signature)

_____
(Date)

In the County of _____
State of _____
On this _____ day of _____, 19____,
_____ who is personally
(Name of individual)
known to me, did appear before me and sign the above certificate.

_____
(Signature)

_____
(Date)

(S) My commission expires _____

(e) Except as other provided, Census information will be provided only to the individual to whom the record pertains. It will include the names of the subject and the head of the household, the relationship of the subject to the head of the household, and the subject's age and birthplace.

(f) Similar Census information pertaining to other members of a household will be furnished only upon written authorization of the individual whose record is requested, except as provided in § 80.3.

(g) Census information may be provided to others only upon signed request by an individual entitled to receive the information which indicates the person and address to which the information is to be sent.

§ 80.2 Rules pertaining to records of the living.

(a) An individual who has attained age 18 may request his or her own Census information.

(b) A parent may request Census information for and in behalf of a child who has not reached age 18. The request must be signed by one of the parents.

(c) A legal guardian may obtain Census information relating to a ward by submitting a certified copy of the order of guardianship appointment.

§ 80.3 Rules applicable to deceased persons and estates.

(a) Census information relating to a deceased person may be released only to a parent, child, grandchild, brother, sister, spouse, insurance beneficiary, or the executor or administrator of a deceased person's estate. The request must be signed by a person entitled to receive the information as provided herein, state the relationship of the applicant to the deceased, and include a certified copy of the death certificate or other adequate proof of death. The request of an executor or administrator must be accompanied by a certified copy of the court order of appointment.

(b) Except for a spouse, a person related to the deceased person through marriage, such as an in-law relationship, is not eligible to request Census information on the deceased, whether or not the applicant was a member of the household of the deceased.

§ 80.4 Signature of persons unable to sign their name.

A person requesting Census information who is unable to sign his or her name shall make an "X" mark where signature is required, and the mark must be witnessed by two persons who know the applicant. They must also sign the application certifying the applicant's identity. In the case of such persons who are unable to make an "X" mark, Census information can be released upon receipt of a physician's sworn statement verifying the disability and the written request of a parent, brother, sister, child or a spouse.

§ 80.5 Detrimental use of information.

Section 8 of Title 13, United States Code requires that,

In no case shall information furnished under the authority of this section be used to the detriment of the persons to whom such information relates.

§ 80.6 False statements.

Any false statement or forgery on the application or supporting papers required to obtain Census information is punishable by a fine and/or imprisonment pursuant to section 1001 of title 18 of the United States Code.

[FR Doc.75-30288 Filed 11-14-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 0–6X and Sizes 7–14; Labeling and Recordkeeping Requirements

In this notice the Consumer Product Safety Commission announces that it has taken action to amend the enforcement regulations applicable to children's sleepwear in sizes 0 through 6X (16 CFR 302.19) and sizes 7 through 14 (16 CFR 302.21) to modify the requirements for the size of lettering to indicate the garment production unit identification which appears in §§ 302.19(b)(8) and 302.21(b)(7), and the requirements for maintenance of sales records by firms initially introducing items into interstate commerce, which appear in §§ 302.19(e)(1)(ix) and 302.21(d)(1)(ix). Although these amendments become effective on November 17, 1975, the Commission seeks public comment on the amendments for a period of 30 days.

CODIFICATION NOTE: The regulations being amended herein (Part 302), although appearing in the CFR under Title 16, Chapter I—Federal Trade Commission, are now the responsibility of the Consumer Product Safety Commission as a result of a transfer of the authority formerly exercised by the Federal Trade Commission under the Flammable Fabrics Act to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)). Until the CPSC revises and transfers these regulations to Title 16, Chapter II—Consumer Product Safety Commission, it shall amend them in Chapter I.

Background. The Standard for the Flammability of Children's Sleepwear (DOC FF 3-71; as amended) was published in the FEDERAL REGISTER on July 21, 1972 (37 FR 146224), and became effective July 29, 1972. The Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5-74) was issued by the Commission on May 1, 1974 (39 FR 15210) and amended on March 21, 1975 (40 FR 12811), with an effective date of May 1, 1975. Both Standards contain a requirement that Children's Sleepwear must be manufactured in production units which are limited in size by the Standards, and both standards set forth procedures for sampling and testing garments.

In the FEDERAL REGISTER of February 7, 1974 (39 FR 4852), the Commission issued enforcement regulations, 16 CFR 302.19, to prescribe labeling and advertising requirements applicable to children's sleepwear items in sizes 0 through 6X. In the FEDERAL REGISTER of April 14, 1975 (40 FR 16654), the Commission amended these regulations by prescribing additional labeling requirements and adding requirements for recordkeeping, retail display, and testing for guaranty

purposes of children's sleepwear items in sizes 0 through 6X.

In the FEDERAL REGISTER of April 1, 1975 (40 FR 14584), the Commission issued regulations, 16 CFR 302.21, to prescribed requirements for labeling, recordkeeping, retail display, and testing for guaranty purposes of children's sleepwear items in sizes 7 through 14.

The regulations applicable to children's sleepwear in sizes 0 through 6X and in sizes 7 through 14 contain provisions in §§ 302.19(b)(8) and 302.21(b)(7), respectively, to require that garments which are subject to FF 3–71 and to FF 5–74 must bear a permanent label or stamp to designate the production unit in which those garments were manufactured.

As issued by the Commission on April 14, 1975, § 302.19(b)(8), applicable to items in sizes 0 through 6X, contains a requirement that if the label or stamp indicating the garment production unit identification is not readily visible at the point of sale, the package containing the garment must also be prominently labeled to indicate the garment production unit identification. A similar provision applicable to garments in sizes 7 through 14 appears in § 302.21(b)(4) as issued on April 1, 1975.

In the FEDERAL REGISTER of July 2, 1975 (40 FR 27932), the Commission amended §§ 302.19(b)(8) and 302.21(b)(4) to require that if the stamp or label indicating the garment production unit identification is not readily visible at the point of sale, the package containing the garment must be marked with either the garment production unit identification or the style identification applicable to the garment. The amendments issued on July 2, 1975, further require that if the style identification is used on the package, and if recall of items from a noncomplying garment production unit is required, the manufacturer must notify all purchasers of the style of which the noncomplying garment production unit is a part. Retailers may elect to return all items of the style in question, or only items from the noncomplying garment production unit.

Provisions of §§ 302.19(e)(1)(ix) and 302.21(d)(1)(ix) require every manufacturer, importer, or other person initially introducing items subject to FF 3–71 and FF 5–74 into interstate commerce to maintain records to show the date and quantity of each sale or delivery of items subject to the applicable Standard, and the name and address of each purchaser or recipient, identifying the items involved in each sale or delivery by production unit identification. (Sales to ultimate consumers are not subject to the requirements of § 302.19(d)(1)(ix) or § 302.19(d)(1)(ix).)

Petition. On April 18, 1975 the American Apparel Manufacturers Association (AAMA) petitioned the Commission, requesting among other things that the Commission:

(1) Modify §§ 302.19(b)(8) and 302.19(b)(7) to eliminate the requirements that the garment production unit identification must appear in letters at least 0.4 cm (1/6th in.) in height, and to require instead that the size of the lettering used for the garment production unit identification must be as large as that used for any other information appearing on the label which bears the garment production unit identification, excluding company or union name or symbol; and

(2) Modify §§ 302.19(e)(1)(ix) and 302.19(d)(1)(ix) to allow manufacturers, importers, and other persons who initially introduce items subject to the Standard into interstate commerce to maintain sales records by style number rather than by production unit identification.

In this petition AAMA alleged that garment manufacturers would need a lead time of at least three months to meet the requirements for letter size to be used for the garment production unit identification prescribed by §§ 302.19(b)(8) and 302.19(b)(7).

AAMA also alleged that smaller firms without access to computerized recordkeeping systems would be unable to comply with the requirements of §§ 302.19(e)(1)(ix) and 302.19(d)(1)(ix) that sales records must be maintained to show the name of each purchaser of items from each garment production unit, and the quantities from each garment production unit sold to each such purchaser. AAMA stated further that these recordkeeping requirements impose an unnecessary economic burden on larger firms because the vast majority of items produced are in compliance with the Standard, and the necessity for recall of any given production unit because it is not in compliance with the Standard is extremely remote. For this reason, AAMA asserts that the cost of notifying all purchasers of a given style of items in the event of a failure of one or more production units would be less costly than maintenance of sales records by production unit identification of the items handled.

Commission action. On April 25, 1975, the Commission decided to grant the request from AAMA to eliminate the requirements of §§ 302.19(b)(8) and 302.21(b)(7) that the garment production unit identification must appear in letters at least 0.4 cm (1/6th in.) in height, and to modify the requirements of §§ 302.19(e)(1)(ix) and 302.21(d)(1)(ix) to allow persons initially introducing items subject to either of the children's sleepwear standards the option of maintaining sales records which identify the items sold by style as an alternative to identifying such items by garment production unit.

The Commission notified AAMA of its decision by telephone on April 25, 1975; issued a press release to announce its decision to the public on April 28, 1975; and confirmed its notification to AAMA by letter dated May 14, 1975.

When the Commission issued § 302.19(b)(8) on April 14, 1975, and § 302.21(b)(7) on April 1, 1975, both sections contained language to the effect that if the garment production unit identification appears on a label, the label containing the garment production unit identification must not touch any other label on the garment, except that it may be sewn on top of any label not required by § 302.19(b) or § 302.21(b)(7) if the label containing the garment production unit identification completely covers the label beneath it. This language was not modified or removed by any subsequent amendment.

The Commission has reason to believe that this provision may not be in the public interest if manufacturers of children's sleepwear, relying upon it, cover labels required by other statutes or regulations with labels containing the garment production unit identification. Accordingly, in the amendment issued below, this language has been removed.

In addition to the action taken with respect to the requirements for the size of the garment production unit identification, the Commission also decided to amend §§ 302.19(e)(1)(ix) and 302.21(d)(1)(ix) to give manufacturers, importers, and other persons who initially introduce items subject to the children's sleepwear standards into interstate commerce the option of maintaining sales records which identify the items sold or delivered either by production unit identification, or by style. The amendments to the recordkeeping requirements issued below define the term "style" as "a garment design or grouping preselected by the manufacturer" and provide that a style may be composed of garments that form all or part of one or more garment production units and may include any number of garments the manufacturer chooses. This language defining the term "style" is identical to the definition of that term which is used in the amendments to §§ 302.19(b)(8) and 302.21(b)(4), issued on July 2, 1975.

The amendments to the recordkeeping requirements issued below further provide that when goods are identified by style and recall of one or more production units is necessary, the manufacturer, importer, or other persons initially introducing items subject to the Standard into interstate commerce must notify all retailers who purchased the style in question, and those retailers may elect to return all items within the style in question, or all items of the production unit or units subject to recall.

The petition from AAMA urging the Commission to modify the children's sleepwear regulations was submitted as an emergency request and indicated that unless the provisions of the regulations which specify the size of lettering to be used for the garment production unit identification and prescribe requirements for maintenance of sales records with reference to garment production units were modified immediately, many manufacturers would suffer great economic hardship.

After considering this petition, the Commission concluded on April 25, 1975, that the possibility of severe economic injury to several manufacturers was imminent unless the regulations were

modified immediately to change the provisions relating to the garment production unit identification and maintenance of sales records; that such changes in the provisions of the regulations would not reduce the degree of protection afforded to the public by those regulations; and that the Commission would not be able to avert the economic injury to manufacturers if it solicited and evaluated comments from all interested parties before taking final action to issue the amendments to the regulations requested by AAMA.

Therefore, pursuant to the provisions of 5 U.S.C. 553 (b) and (d), the Commission made a finding for good cause that notice and public procedure on these amendments were impractical and contrary to the public interest, and a finding for good cause that these amendments should become effective November 17, 1975.

Nevertheless, the Commission wishes to invite public comment on these amendments, and therefore has established a comment period of December 17, 1975. Although these amendments are effective immediately upon publication, they are subject to modification on the basis of persuasive public comment that demonstrates errors, inconsistencies, or sound legal or policy reasons, or on the basis of other information that may come to the attention of the Commission through enforcement activities or by other means. The Commission seeks written data, views, and other comment on the amendments and specifically requests comment on the option provided to retailers in the amendments. The Commission also invites suggestions about the effective date of any recommended changes.

Although the changes in the requirements of §§ 302.19(b)(8), 302.19(e)(1)(ix), 302.21(b)(7), and 302.21(d)(1)(ix) which are made by the amendments issued below become effective on November 17, 1975, and apply prospectively, the Commission intends to be guided by the intent expressed in these amendments when reviewing the acts and practices of persons and firms subject to the children's sleepwear regulations which have occurred between the time of the initial issuance of those regulations and the publication of the amendments issued below.

Promulgation. Accordingly, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–113, as amended 81 Stat. 571; 15 U.S.C. 1194), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), 16 CFR Part 302 is amended as follows:

§ 302.19 [Amended]

1. Section 302.19(b)(8)(iii) is revised as follows (although unchanged, the introductory text of § 302.19(b)(8) is included below for context):

* * * * *

(b) Labeling. * * *

(8) Every manufacturer, importer, or other person (such as a converter), initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter, or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler.

* * * * *

(iii) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters which are clear, conspicuous, and legible and in a color which contrasts with the background of the label, or shall have such information stamped on the garment itself in letters which are clear, conspicuous, and legible and in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner as to remain on or attached to the garment and legible and visible throughout its intended period of use.

* * * * *

2. Section 302.19(e)(1)(ix) is revised as follows (although unchanged, the introductory text of § 302.19(e)(1) is included below for context):

* * * * *

(e) *Records, manufacturers, importers, or other persons initially introducing items into commerce*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective or whether guaranties are issued under paragraph (g) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacturer of each production unit of articles of children's sleepwear, or fabrics, or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished items to the manufacturing records. Such records shall show with respect to such items:

* * * * *

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer). The items involved in each such sale or delivery shall be identified by production unit or by style. A style is a garment design or grouping, preselected by the manufacturer, which may include any number of garments that form all or part at one or more garment production units and the style may include any number of garments the manufacturer chooses. If a person subject to the requirements of § 302.19(e) maintains sales records which identify the items sold or delivered by style, and if recall of one or more production units subject to the Standard is required, that person in recalling such production units shall notify all purchasers of items of the style in which such production unit or units were manufactured. Retailers may elect to return all items of the style involved, or all items of the production unit or units subject to recall.

§ 302.21 [Amended]

3. Section 302.21(b)(7)(i) is revised, as follows (although unchanged, the introductory text of § 302.21(b)(7) is included below for context):

* * * * *

(b) *Labeling.* * * *

(7) Every manufacturer, importer, or other person (such as a converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler. In addition to the requirements prescribed by this paragraph (b)(7), the requirements prescribed by paragraph (b)(4) of this section must be met for items marketed at retail in packages.

* * * * *

(i) Each garment subject to the Standard shall bear a label with minimum dimension of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters which are clear, conspicuous, and legible, and in a color which contrasts with the background of the label, or shall have such information stamped on the garment itself in letters which are clear, conspicuous, and legible, and in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner, as to remain on or attached to the garment, and legible and visible throughout its intended period of use.

* * * * *

4. Section 302.21(d)(1)(ix) is revised, as follows (although unchanged, the introductory text of § 302.21(d)(1) is included below for context):

* * * * *

(d) *Records—manufacturers, importers, or other persons initially introducing items into commerce*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (e) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics, or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished items to the manufacturing records. Such records shall show with respect to such items:

* * * * *

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer). The items involved in each sale or delivery shall be identified by production unit or by style. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or part of one or more garment production units and the style may include any number of garments the manufacturer chooses. If a person subject to the requirements of § 302.21(d) maintains sales records which identify the items sold or delivered by style, and if recall of one or more production units subject to the Standard is required, that person in recalling such production units shall notify all purchasers of items of the style in which such production unit or units were manufactured. Retailers may elect to return all items of the style involved, or all items of the production units subject to recall.

Effective date. The regulations promulgated herein shall become effective on November 17, 1975.

(Sec. 5, 67 Stat. 112, as amended 81 Stat. 571; (15 U.S.C. 1194))

Written comments, data, and other information on this document should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, by December 17, 1975. Comments received after that date will be considered if practicable. Received comments may be viewed during working hours in the Office of the Secretary Room 1025, 1750 K Street, NW., Washington, D.C.

Dated: November 12, 1975.

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

[FR Doc.75-30923 Filed 11-14-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

[Docket No. 75-8]

PART 712—THE ACQUISITION FUNCTION

Land Service Facilities; Interim Regulations

● **Purpose. The purpose of this part is to provide interim guidelines to be utilized in evaluating the need for and the participation of Federal funds in the costs of land service facilities.** ●

Chapter I of Title 23, Code of Federal Regulations is amended by adding a new Subpart H—Land Service Facilities to Part 712—The Acquisition Function.

Interim regulations are hereby promulgated codifying a new interim directive of the Federal Highway Administration designated as Federal Highway Program Manual (FHPM) Volume 7, Chapter 2, Section 2, Subsection 2 entitled, "Land Service Facilities." This interim regulation deals with the need for and utilization of appropriate design or construction features to preserve or restore access and land service to affected properties when access problems are caused by highway construction.

This interim regulation revises, without substantive change, material in FHWA's Instructional Memorandum (IM) 80-3-68, which has heretofore contained the FHWA requirements for land service facilities. IM 80-3-68 is hereby superseded in its entirety by the issuance of this interim regulation.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Office of Chief Counsel, Room 4226, FHWA Docket No. 75-8, Federal Highway Administration, Department of Transportation, 400-7th Street, SW., Washington, D.C. 20590. All such submissions received on or before December 31, 1975 will be considered prior to the promulgation of a final land service facilities regulation.

General notice of proposed rulemaking is not required because the material published herein relates to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). The interim regulations are effective on November 17, 1975.

Subpart H—Land Service Facilities

Sec.
712.801 Purpose.
712.802 Applicability.
712.803 Background.
712.804 Policies.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48; 23 CFR 1.32; 42 U.S.C. 4321, et seq.

Subpart H—Land Service Facilities

§ 712.801 Purpose.

The purpose of this subpart is to establish policy guidelines based upon social and environmental as well as economic considerations to be utilized in evaluating the need for, and the participation of Federal funds in the costs of, land service facilities designed to provide or restore access in those special situations not otherwise justified.

§ 712.802 Applicability.

The provisions of this subpart apply where Federal funds are participating in any part of the cost of a highway project.

§ 712.803 Background.

Highway construction often results in changed conditions which create access problems to both public and private property. The nature of the changes or the magnitude of the impacts are ordinarily such that conventional design features or modification of the access provisions can provide acceptable solutions. Design features such as private roads, frontage roads, sidewalks and pedestrian separations, and combination drainage and vehicular or stock passes are normal considerations during the location and design of a highway. The general objective is to restore access and land service and to provide access to public use areas.

§ 712.804 Policies.

Because of social and environmental considerations, it is in the public interest to provide for certain land service needs even though not fully justified economically. However, it should be recognized that physical and economic conditions may make the cost of continuing or reconstituting the land service unreasonable. Also, adverse social or environmental impacts may preclude same. Good judgment is, therefore, imperative to the successful implementation of these policy guidelines. In determining if a land service facility is warranted, consideration should be given to items such as: Preservation or enhancement of area economy, equitable treatment of property owners, restoration of local vehicular or animal circulation, servicing utility facilities, highway safety, police and fire protection, access to recreation areas, and conservation and development of natural resources, including wildlife and other environmental considerations. Land service facilities fall into the following general categories: Those constructed primarily for public use and benefit; those primarily for private use and benefit; and combinations thereof.

(a) *Public use and benefit.* Land service facilities designed for public use and benefit may be justified primarily through the social and environmental benefits accruing to the general public by virtue of their construction. In most cases there will be substantial economic justification for their construction and these economic benefits will be preserved by perpetuation of the access. Some examples of land service facilities which may be considered under this concept are those providing for fish and game

migration, public cattle drives, recreational uses, public land uses, developmental roads, and fire protection. Roads and trails for public use and future development areas must conform to an existing definite plan for the area as developed by a public agency or governmental body.

(b) *Private use and benefit.* (1) Land service facilities designed for the restoration of access to and within privately owned properties shall be justified primarily on the basis of economics with such social or environmental benefits as may be present being secondary.

(2) Where the property constitutes an operating farm, ranch, or other business which the highway location separates, it is generally desirable to achieve a settlement that will not disrupt the business operation. Because of the several variables in the types and widths of highways being constructed, the estimated cost of land service facilities may vary widely. This may result in a lack of equity in the settlements made to the different landowners, depending upon the design of the highway being constructed. To attain a greater consistency in the resolution of such cases, a common cost basis may be used for comparative purposes in determining mitigation of damages. This basis may apply regardless of the actual cost of the proposed structure. A structure of the length required to cross over or under a two-lane highway shall be considered as the proper measure of the cost to be mitigated.

(3) The basic economic comparison to be used in justifying land service facilities is the difference in the current fair market value of the property, as determined by substantiated before and after estimates of the value of the property both with and without the proposed facility, versus the current construction costs of a land service facility required to cross under or over a two-lane highway calculated in accordance with the following criteria:

(i) The structural elements of the cross section are to be the State's design standard or typical section for the specific service to be provided.

(ii) For comparison purposes, the dimensions of the cross section elements used to establish the maximum length of overcrossing or undercrossing structure will be those provided for in the State's minimum design standards for the particular highway class, with the following limitations. Pavement width shall not exceed 24 feet (7.3152 meters); shoulder width 10 feet (3.048 meters); depth of cover 8 feet (2.4384 meters); and fill slopes shall not be flatter than 2:1. Additional length of skewed structure is to be considered only when such skew is dictated by the land service need.

(4) Land service facilities designed for private use and benefit shall be programed as a right-of-way item.

(c) *Combination uses.* (1) Many land service structures, particularly stock and machinery passes, may become public or multiple owner access ways by providing minimum type approaches commensurate with the current or projected use, particularly where school bus, mail, police, and fire services will be accommodated. Minimum type roads and trails are those of the lowest design and construction standards that can be expected to satisfactorily serve their intended purposes, considering the use, traffic, climate, and expected life. These public roads or trails can be provided within or adjacent to the right-of-way line outside the existing or adjusted controlled access line from one public road through the structure to the next public road. This type of access way will allow better local traffic circulation and, due to the public interest aspects, will enhance the economic justification in many marginal cases. The maintenance responsibility for these public access ways may be delegated to a local governmental body by agreement between the State and local officials.

(2) When highway structures determined to be necessary under applicable design standards are modified for joint use as a land service facility, the structure costs to be utilized in the economic comparison should not include those costs required to meet the highway needs.

(d) *General conditions.* (1) Land service facilities should be designed and located to serve more than one property or purpose to the extent practicable. Efforts should also be made to utilize existing structures.

(2) Whenever structures are provided for use by more than one owner, the rights of each owner to use the structure must be granted in a recordable legal instrument.

(3) Where existing land service facilities have been constructed under or over a Federal-aid highway, Federal funds may participate in the construction of similar land service facilities to cross added parallel lanes provided land use or land use patterns have not materially changed.

(4) Federal funds shall not participate in payments made in lieu of construction of a land service facility justified under the provisions of this directive. This wounld not preclude participation in pay pyaments made to the property owner based upon the appraised value without the land service facility.

Issued on: November 11, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-30772 Filed 11-14-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 580—CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS

Civil Money Penalties for Child Labor Violations; Correction

In FR Doc. 75-15815 appearing at page 25792 in the FEDERAL REGISTER of Wednesday, June 18, 1975, in § 579.2 in the definition of "Administrator" the reference to "Part 780" on line 8 of the definition should be changed to read "Part 580."

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

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.75-30961 Filed 11-14-75;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 5546; ES-15284]

GEORGIA

Correction of Public Land Crder No. 5525; Boundary Modification of Oconee National Forest

Public Land Order No. 5525, FRDoc. 75-23853, appearing at page 41794 of the September 9 issue of FEDERAL REGISTER is hereby corrected to the following extent:

UNIT No. 1

Column 2, line 22: Tract U-906c is corrected to read: Tract U 906a.

Column 2, line 54: of U.S. Highway 129 is corrected to read: to U.S. Highway 129.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 11, 1975.

[FR Doc.75-30820 Filed 11-14-75;8:45 am]

[Public Land Order CA-568]

CALIFORNIA

Correction of Public Land Order No. 5537: Withdrawal for Natural Area

Public Land Order No. 5537 of September 11, 1975, FR Doc. No. 24825, which appeared at page 43025 of the September 18 issue of the FEDERAL REGISTER is hereby corrected to the following extent:

T. 18 N., R. 7 E. (partially surveyed),
sec. 6, lots 1 and 2, NW¼ is corrected to read: sec. 6, lots 1 and 2 of NW¼.

JACK O. HORTON,
Secretary of the Interior.

NOVEMBER 11, 1975.

[FR Doc.75-30819 Filed 11-14-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[No. 36125]

UNIFORM SYSTEM OF ACCOUNTS

Reporting Extraordinary, Unusual or Infrequently Occurring Events and Transactions; Prior Period Adjustments; the Effects of Disposal of a Segment of Business

Upon investigation and consideration of views, arguments, and representations of the parties, certain revised accounting regulations governing carriers subject to our accounting rules (Parts 1201-1310,

except 1208 for maritime carriers) are adopted to be effective January 1, 1976.

Harry J. Breithaupt, Jr. and Hollis G. Duensing for the Association of American Railroads. J. Donald Durand for the Association of Oil Pipe Lines. Louis T. Duerinck and G. F. Call for certain railroads. Touche Ross & Company for Touche Ross & Company.

REPORT OF THE COMMISSION

By the Commission: By notice of proposed rulemaking dated April 11, 1975 and published in the FEDERAL REGISTER on April 18, 1975 (40 FR 17272) this Commission announced that it had under consideration revisions to the systems of accounts prescribed for various modes of transportation under its regulation (49 CFR, Parts 1201–1210, except 1208 for maritime carriers). These revisions relate to changes in reporting and accounting for extraordinary, unusual or infrequent events and transactions; prior period adjustments; and the effects of disposal of a segment of a business. All interested parties were originally given the opportunity to submit their views and comments in writing by May 19, 1975. This date was subsequently extended to July 3, 1975.

BACKGROUND

The Commission accounting rules now in effect prescribe the all-inclusive theory of determining net income. Under this theory net income includes all transactions affecting the net increase or decrease in equity during the period except dividend distributions and transactions of a capital nature. Prior period adjustments and extraordinary items are included in net income but are segregated from ordinary income. The Commission requires that these items be excluded from ordinary income when they are material, non-recurring and not related to usual business activities of the current period.

The Commission's rules differ from generally accepted accounting principles (GAAP) in accounting for extraordinary items and prior period adjustments. GAAP provides that extraordinary items must be material and both unusual and infrequent, whereas the Commission generally has allowed material items which are either infrequent or unusual to be considered extraordinary. Under GAAP prior period items are reported on the balance sheet as adjustments to the beginning balance of retained earnings, and not as an element of net income.

GAAP further provides for the segregation of certain items within ordinary income. Material items which are either infrequent or unusual, gains or losses from the disposal of a segment of business and operating results of a discontinued business segment are all reported as separate components of net income before extraordinary items. Also, GAAP requires that the cumulative effect of a change in accounting principle be shown separately in the income statement after extraordinary items. Our accounting rules presently treat such items as extraordinary.

The purpose of our proposed rules was to follow GAAP in accounting and reporting of the items discussed. To accomplish this, the proposal:

(1) Provides more definitive criteria for extraordinary items by clarifying and, to some extent, modifying the existing definition and criteria;

(2) Requires that prior period items be reported as adjustments to beginning retained earnings; and

(3) Specifies the accounting and reporting for:

(a) Disposal of a segment of business,

(b) Unusual or infrequent event, and

(c) The cumulative effect of a change in accounting principle.

REPRESENTATIONS

The public notification of proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views, or arguments. Comments were received from 2 railroads, a railroad industry association, a pipeline industry association, and a public accounting firm. Their respective comments are summarized below.

Railroads. The Association of American Railroads (AAR) endorses in principle the proposed rules, but takes exception to some aspects of the proposal. AAR objects to the requirement that carriers must secure Commission approval to use the proposed accounts whenever the same accounting is followed in financial statements furnished stockholders and others; objects to the requirement that an accountant's letter commenting on the proposed accounting accompany a carrier's request because this would add to the cost of accounting services; recommends that the proposed materiality standard be deleted because the Financial Accounting Standards Board (FASB) has the subject under consideration; proposes treating gains and losses from extinguishment of debt as extraordinary as required by the recently published FASB Statement No. 4; and states that the proposed rules should require prior period items to be material in accordance with GAAP.

AAR also suggests that the tax effects of extraordinary items and disposal of a business segment be included with other income tax expense as a component of net railway operating income (NROI) because capitalization of NROI is one method used in determining value for property tax purposes.

The notice stated that material items which were infrequent or unusual were to be reported as a component of "income available for fixed charges" in accounts 525 and 555, Unusual or Infrequent Items, (credit) and (debit) respectively. AAR opposes adoption of these accounts. It states that NROI will be distorted because some charges may be eliminated from operating expense on the basis that they are unusual or infrequent. AAR believes that these items should either be considered extraordinary or be kept in NROI, and further states that additional distortion to NROI will occur because the tax effect of these transactions will be reported above NROI while the transactions themselves are shown below NROI.

Chicago and North Western Transportation Company (CNW) and AAR both state that the proposed location of accounts 525 and 555 will distort the ratio of fixed charge coverage, and will trigger fluctuations in debt services contingent on NROI. They recommend that (1) unusual or infrequent items be reported as extraordinary items; or (2) position a single account for unusual or infrequent items, net of tax, between "income after fixed charges" and "income from continuing operations."

The notice proposed that carriers report the gain or loss from the sale of a segment of business and the income or loss from operation of such segment separately from "income from continuing operations." AAR states that the Commission should wait for the FASB to finish considering a new definition for a segment of business, and that the measurement date should not be dependent upon prior Commission approval of the abandonment or sale of a segment of business. It further questions the usefulness of the requirement to separate account 560, Income or Loss from Operation of Discontinued Segments, from account 562, Gain or Loss on Disposal of Discontinued Segments, stating that these accounts would be operative for a relatively short period and would therefore not offer any significant information.

Union Pacific Railroad Company states that the proposed rules serve the Commission's purpose of aligning its rules with GAAP and commended the Commission for its efforts.

Pipelines. The Association of Oil Pipe Lines (AOPL) requests that oil pipe line carriers by specifically excluded from the proposed rules. It asserts that present accounting provisions are adequate for the reporting of extraordinary items and that the proposed accounts for unusual or infrequent items are unnecessary. AOPL also states that the Commission should await the FASB's ruling on materiality before prescribing its own standard.

AOPL raises the issue of whether requiring that prior period items be reported as adjustments to beginning retained earnings would create a violation of the Elkins Act Consent Decree of 1941. AOPL also points out that prior period charges would not be recovered through increased tariffs since they would not flow through current year's income.

AOPL expresses concern that because of their corporate structures pipe line carriers will have difficulty distinguishing a segment of business, unless the segment is a non-carrier activity. AOPL also states that since the carriers follow the group basis of accounting for depreciation of assets, its members would have difficulty determining actual gains or losses upon disposition of specific assets.

AOPL objects to the requirement for an accountant's letter, stating that differences in accounting treatment should be resolved between the carrier and the Commission.

Public Accounting Firm. Touche Ross & Co. (Touche) fully supports the Commission's efforts to incorporate GAAP into the Uniform System of Accounts. Touche suggests that the proposed rules make reference to GAAP because GAAP offers more detailed definitions and guidelines. Touche also suggests that: (1) Commission approval not be required to use the proposed accounts; (2) the materiality standard be stated in more general terms without limiting the standard to income; and (3) retroactive application of the proposal may cause difficulty for carriers who report interim information to their stockholders.

DISCUSSION AND CONCLUSIONS

The discussion which follows is arranged according to the subject matter of the various arguments raised by the respondents.

Commission Approval and Accountant's Letter. Two respondents, AAR and Touche, objected to the requirement that carriers seek Commission approval to use the proposed accounts. We believe the requirement is necessary to assure us that the same criteria is applied to all regulated carriers.

AAR and AOPL objected to the requirement that an accountant's letter accompany the carriers request for approval. We disagree with the respondents for two reasons. First, the views of an independent third party who is familiar with GAAP and its application to a specific request can be helpful in determining the proper use of the accounts. Secondly, the expense of obtaining such a letter will be minimal since a letter is required only if the carrier already retains the services of an independent accountant.

Materiality. AAR and AOPL recommended that the Commission wait for the FASB to issue a pronouncement on materiality before prescribing its own standard. Touche felt that the standard does not recognize financial statement relationships other than income. We disagree with the respondents. The Commission must, while the FASB is studying materiality, have a workable general standard on which to base its decisions on carriers' requests for use of the accounts. We believe that the proposed standard is sufficiently broad to accommodate financial relationships other than income since the instruction states that the standard may be applied to other "appropriate criteria."

Extraordinary Items. AAR pointed out that GAAP allows extraordinary treatment for gain or loss on certain bond transactions. In keeping with our objective of aligning the Commission's accounting rules with GAAP, we have amended the instructions along the lines promulgated by FASB Statement No. 4.

AAR suggested that the tax effect of extraordinary items be reported above NROI with other federal income taxes. Such accounting is contrary to GAAP and our current rules, both of which require separation of extraordinary items and the applicable tax effect from ordinary income.

Prior Period Items. AAR observed that the proposed instruction for prior period items does not include a materiality requirement. The instruction has been amended to include this requirement.

AOPL stated that prior period adjustments to beginning retained earnings may create a violation of the Elkins Act Consent Decree of 1941 (Decree) citing as support an earlier proceeding[1] in which the Commission decided not to require a retroactive adjustment to retained earnings for deferred taxes. It was our belief then that such an adjustment could possibly be large enough to cause a deficit retained earnings balance. However, we do not believe the same potential for such a large prior period adjustment exists.

Two other points must be considered. First, prior to 1967 pipeline carriers accounted for prior period items (then called extraordinary items) as adjustments to retained earnings. We are unaware of any such adjustments causing violations to the Decree in those years. Secondly, the Decree states that a violation occurs when the carrier *knowingly* violates the provisions of the Decree. We believe that a prior period adjustment will not imply that a carrier has knowingly violated the Decree because by definition a prior period adjustment must result from determinations made by persons other than management and cannot have been susceptible to reasonable estimation prior to such determination.

Unusual or Infrequent Items. AAR stated that use of the proposed accounts for unusual or infrequent items could distort NROI. We believe just the opposite. NROI has historically included only ordinary day-to-day carrier operating transactions and would continue to do so under this proposal. If unusual or infrequent items, which are generally considered extraordinary items under present rules, are now included in NROI, NROI would not be comparable to NROI of years when such items are not included.

AAR and CNW criticized the location of the proposed accounts for unusual or infrequent items and recommended placing a single account between "income after fixed charges" and "income from continuing operations" to preserve computations of fixed charge coverages. We believe that there is merit to this recommendation and the instructions have been amended accordingly.

AAR and CNW further recommended that unusual or infrequent items be reported net of tax so that NROI would not be distorted by reporting the item below NROI but reporting the related tax effect above NROI. This problem arises only with railroads and refrigerator car lines because their uniform system of accounts are unique in placing federal income tax expense on ordinary income above NROI. GAAP generally provides that unusual or infrequent items not be reported net of tax. However, certain exceptions are made[2] and we believe that railroads and refrigerator car lines, because of their unique positioning of income taxes, should also be excepted. We agree with the respondents that the proposed rule would distort NROI, and we believe their recommendation would result in a better presentation of normal operating results. This meets the basic objective of financial reporting in helping users of financial statements to assess and evaluate the normal trend of carriers' operating results. Appendices A, B and E of the Notice have been revised to reflect this recommendation. AAR made several other alternative recommendations for treatment of unusual or infrequent items which were considered and discarded in favor of the one above.

Disposal and Operating Results of Discontinued Operations. AAR stated that it assumes that the measurement date, as defined in the notice, is not dependent upon Commission approval. This is a valid assumption only if the transaction itself does not require Commission approval. If it does, then the measurement date is the date the Commission approves the transaction. This is necessary because the Commission could not approve the accounting for a disposal that may not be subsequently authorized.

AAR stated that the Commission is premature in proposing a definition for a segment of business because it is under consideration by the FASB. We disagree. The definition proposed is the one presently promulgated under GAAP. Until such time as the FASB issues a new definition, the one proposed is the guideline which we will use to align our accounting rules with GAAP.

AAR recommended that the tax effect of the disposal and operating results of discontinued segments be shown above NROI. We disagree. The income tax effect is an important element in computing a gain or loss on disposal of a segment or in calculating its operating results. It would also obscure the true gain or loss and operating results and would be contrary to GAAP.

AAR recommended combining the accounts for the disposal and operating results of discontinued segments. We believe that the information would be of greater value to financial statement users if shown in separate accounts and would require no greater effort by the carriers to comply with the proposed accounts.

AOPL stated that pipeline carriers will have difficulty accounting for the disposal of a segment of business because they may have difficulty distinguishing a segment other than one engaged in a noncarrier activity, and because they account for assets on the group basis of accounting. We disagree with AOPL for two reasons. First, if a carrier is unable to clearly identify a separate segment

[1] No. 34178 (Sub-No. 2), Accounting for Income Taxes—Interperiod Tax Allocation (Deferred Taxes), decided August 9, 1974.

[2] APB No. 30, Para 26.

then that fact strongly suggests that its disposal should not be accounted for as a segment of a business. We have amended the definition "segment of a business" to clarify this point. Secondly, group basis of accounting is only applicable to carrier operating property. Ordinarily, the disposal of operating assets would not be considered as disposal of business segments. Under the group accounting method, gain or loss on disposal of assets is not recognized and alternative accounting is required in cases where the disposal would distort the reserve account. Our proposal does not change this practice. However, in those unusual cases mentioned above, we believe gain or loss could be recognized by identifying estimated depreciation reserves with assets disposed of, or by other appropriate analyses. The gain or loss so estimated should be accounted for according to relevant instructions of the Uniform System of Accounts.

Other Revisions. References to GAAP have been included in the instructions. However, it will still be necessary for carriers to obtain Commission approval to use the proposed accounts.

The implementation date has been changed to January 1, 1976. This will eliminate problems that some carriers would have encountered in making retroactive application.

Some revisions of a minor or clarifying nature have also been made.

SUMMARY

There are significant differences between GAAP and present Commission accounting rules in regards to reporting extraordinary, unusual or infrequent events and transactions, prior period adjustments, disposal of a segment of business, and accounting changes. The rules adopted herein bring our rules into conformance with GAAP in each of these areas and makes carrier financial reports more comparable to those issued by companies in other industries.

FINDINGS

We find that Parts 1201 through 1210, except 1208 for maritime carriers, of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed below; and that such rules are reasonable and necessary to the effective enforcement of the provisions of parts I, II, III and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

Vice Chairman O'Neal did not participate.

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION held at its office in Washington, D.C. on the 14th day of October, 1975.

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201 through 1210, except 1208 for maritime carriers, of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That the prescribed amendments shall be effective January 1, 1976, and reflected in the annual reports to this Commission for the accounting year ending December, 1976.

And it is further ordered, That service of the order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Board of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 12, 20, 304, 913, and 1012.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income Accounts," the following revisions are made:

2. After line item 551 "Miscellaneous income charges" add:

555 Unusual or infrequent items (debit).
560 Income or loss from operations of discontinued segments.
562 Gain or loss on disposal of discontinued segments.

3. Line item "Extraordinary and Prior Period Items" is revised to read:

Extraordinary Items and Accounting Changes.

4. After line item 570 "Extraordinary items (net)," line item 580 "Prior period items (net)" is deleted.

5. Line item 590 "Income taxes on extraordinary and prior period items" is revised to read:

590 Income taxes on extraordinary items.

6. Line item 591 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

591 Provision for deferred taxes—extraordinary items.

7. After line item 591 "Provision for deferred taxes—extraordinary items" add:

592 Cumulative effect of changes in accounting principles.

Under Retained Income Accounts, the following revision is made:

8. After line item 601 "Credit balance (at beginning of calendar year)" add:

601.5 Prior period adjustments to beginning retained income account.

Regulations Prescribed

9. Under "(ii) Definitions," add the following new definitions:

* * * * *

23. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

10. The text of instruction 1-2 "Classification of accounts" is amended by revising paragraph (d) to read:

* * * * *

(d) (1) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items.

Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(2) *Unusual or Infrequent Items.* Material events unusual in nature of infrequent in occurrence but not both, thus

not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are to be reported net of income taxes.

(3) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 23(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 23(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 23(c)).

(4) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) They are material, and (2) they can be specifically identified with and directly related to the business activities of particular prior periods, and (3) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (4) depend primarily on determinations by persons other than management, and (5) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(5) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(6) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(7) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

In the text of instruction 1–11, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying paragraph (d).

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–8 [Amended]

11. The text of instruction 2–8, "Additions to and retirements of units of property" is amended by revising paragraph (c) to read:

* * * * *

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 267, "Retirements-Road."

* * * * *

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

12. Paragraph (a) of instruction 6–2, "Recorded value of securities owned," is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate", in the second to last sentence.

INCOME ACCOUNTS

519 [Amended]

14. The text of account 519, "Miscellaneous Income," is amended by revising paragraph (b) to read:

* * * * *

(b) Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570, "Extraordinary items," upon approval of the Commission.

532 [Amended]

15. The text of account 532, "Railway Tax Accruals," paragraph (c), is amended by striking the words "and prior period" from the second sentence.

551 [Amended]

16. The text of account 551, "Miscellaneous Income Charges," is amended by revising paragraph (b) to read:

* * * * *

(b) Losses from extinguishment of debt shall be aggregated and, if material, charged to account 570, "Extraordinary items," upon approval of the Commission.

17. After the text of account 551, "Miscellaneous Income Charges," the following new account numbers, titles and texts are added:

555 Unusual or Infrequent Items

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2(d), upon approval by the Commission.

560 Income or Loss From Operations of Discontinued Segments.

This account shall include the results of operations of a segment of a business (see definition 23(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–2(d), upon approval by the Commission.

562 Gain or Loss on Disposal of Discontinued Segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–2(d), upon approval by the Commission.

18. Before account 570, "Extraordinary Items (Net)," the line item title, "Extraordinary and prior period items," is revised to read "Extraordinary Items and Accounting Changes."

19. The text of account 570 "Extraordinary Items (Net)," is revised to read:

570 Extraordinary Items (Net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income

Taxes on Extraordinary Items," or account 591, Provision for Deferred Taxes-Extraordinary Items."

580 [Deleted]

20. The account number, title and text of account 580, "Prior Period Items (Net)," are deleted.

21. The account title and text of account 590, "Income Taxes on Extraordinary and Prior Period Items," are revised to read:

590 Income Taxes on Extraordinary Items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and infrequent, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes-Extraordinary items."

22. The title and text of account 591, "Provision for Deferred Taxes-Extraordinary and Prior Period Items," are revised to read:

591 Provision for Deferred Taxes—Extraordinary Items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 1–11).

23. After the text of account 591, "Provision for Deferred Taxes-Extraordinary Items," add:

592 Cumulative Effect of Changes in Accounting Principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–2(d), upon approval by the Commission.

24. The text of account 599, "Form of Income Statement," is amended as follows:

599 Form of Income Statement.

* * * * *

546 (c) * * *

Unusual or Infrequent Items.

555 Unusual or Infrequent Items (Debit) Credit (Less applicable income taxes of $____)____ $____

Income from Continuing Operations _____ ____

Discontinued Operations.

560 Income or Loss from Operations of Discontinued Segments (Less applicable income taxes of $____)_____ ____

562 Gain or Loss on Disposal of Discontinued Segments (Less applicable income taxes of $____) _____ ____

Income (Loss) Before Extraordinary Items.

Extraordinary Items and Accounting Changes.

570 * * *

590 Income Taxes on Extraordinary Items.

591 Provision for Deferred Taxes—Extraordinary Items.

Extraordinary Items_____ ____

592 Cumulative Effect of Changes in Accounting Principles (Less applicable income taxes of $____) _____ ____

Net Income Transferred to Retained Income—Unappropriated _____ ____

* * * * *

RETAINED INCOME ACCOUNTS

27. After the text of account 601, "Credit Balance (at beginning of calendar year)," add:

601.5 Prior Period Adjustments to Beginning Retained Income Account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–2(d), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

GENERAL BALANCE SHEET ACCOUNTS

723 [Amended]

28. In the text of account 723, "Reserve for Adjustment of Investment in Securities-Cr.," Paragraph (a) is amended by striking the words "or account 570, 'Extraordinary Items' as appropriate," at the end of the last sentence. Paragraph (b) is also amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences.

786 [Amended]

29. The text of account 786, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Operating Expenses" line item 01–6 "Extraordinary and prior period items" is deleted.

2. Under "Operating Revenues" line item 02–3 "Extraordinary and prior period items", is deleted.

3. Under "Income", line item 03–2 "Extraordinary and prior period items" is revised to read:

03–2 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items and accounting changes.

Under "Income Accounts", the following revisions are made:

4. After line item 212 "Miscellaneous income", add:

212–5 Unusual or infrequent items (credit)

After line item 225 "Miscellaneous debits", add:

225–5 Unusual or infrequent items (debit)

230 Income (loss) from operations of discontinued segments.

232 Gain (loss) on disposal of discontinued segments.

5. Before line item 270 "Extraordinary items (net)", the heading "Extraordinary and Prior Period items" is revised to read:

Extraordinary Items and Accounting Changes.

6. After line item 270 "Extraordinary items (net)", line item 280 Prior period items (net) is deleted.

7. Line item 290 "Income taxes on extraordinary and prior period items" is revised to read:

290 Income taxes on extraordinary items.

8. Line item 291 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

291 Provision for deferred taxes—extraordinary items.

9. After line item 291 "Provision for deferred taxes—extraordinary items", the following is added:

292 Cumulative effect of changes in accounting principles.

Under "Profit and Loss Accounts", the following additions are made:

10. After line item 301 "Credit balance at beginning of fiscal period", add:

301–1 Prior period adjustment to beginning balance of earned surplus (credit).

11. After line item 307 "Debit balance at beginning of fiscal period", add:

307–1 Prior period adjustment to beginning balance of earned surplus (debit).

DEFINITIONS

12. Section 00–2 is amended by adding the following new definitions:

00–2 Definitions.

* * * * *

"Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

"Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

"Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes,

from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

* * * * *

OPERATING EXPENSES, GENERAL INSTRUCTIONS

01–6 [Deleted]

13. The number, title and text of instruction 01–6 "Extraordinary and prior period items" are deleted and marked reserved.

14. The text of instruction 01–10 "Property retired" is revised to read:

01–10 Property retired.

The service value of property retired shall be accounted for in accordance with the provisions of instruction 06–4 "Property retired". If authorized by the Commission, the carrier may create a reserve in anticipation of the retirement of nondepreciable property by charges to operating expenses.

01–16 [Amended]

15. In the text of instruction 01–16, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

OPERATING EXPENSE ACCOUNTS

28–2 [Amended]

16. The text of account 28–2, "Retirement, way and structures" is amended by deleting paragraph (b).

OPERATING REVENUES

02–3 [Amended]

17. The number, title and text of instruction 02–3, "Extraordinary and prior period items" are deleted and marked reserved.

INCOME

18. The title and text of instruction 03–2, "Extraordinary and prior period items" are revised to read:

03–2 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income expense from continuing operations. Such items are to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 03–2.

03–6 [Amended]

19. Instruction 03–6 "Form or Income Statement" is amended as follows:

* * * * *

212 * * *
212–5 Unusual or infrequent items (credit). (net of income tax effect of $____).

* * * * *

225 * * *
225–5 Unusual or infrequent items (debit). (net of income tax effect of $____).
Total deductions from gross income.
Income from continuing operations.

DISCONTINUED OPERATIONS

230 Income (loss) from operations of discontinued segments (less applicable income taxes of $____).
232 Gain (loss) on disposal of discontinued segments (less applicable income taxes of $____).
Income (loss) before extraordinary items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

270 * * *
290 Income taxes on extraordinary items.
291 Provision for deferred taxes—extraordinary items.
Total Extraordinary Items.
292 Cumulative effect of changes in accounting principles (less applicable income taxes of $____).
Net Income (loss).

INCOME ACCOUNTS

212 [Amended]

20. The text of account 212, "Miscellaneous income" is amended by revising

the last paragraph starting with the words "when the profits to read:

* * * * *

Gains from extinguishment of debt shall be aggregated and, if material, credited to account 270, "Extraordinary items," upon approval of the Commission.

21. After the text of account 212 "Miscellaneous income" the following new account number, title and text are added:

212–5 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

215 [Amended]

22. In the text of account 215, "Taxes assignable to transportation operation," paragraph (c) is amended by striking the words "and prior period" in the last sentence.

225 [Amended]

23. The text of account 225, "Miscellaneous debits" is amended by revising the last paragraph starting with the words "when the pofits to read:

* * * * *

Losses from extinguishment of debt shall be aggregated and, if material, charged to account 270, "Extraordinary items," upon approval of the Commission.

24. After the text of account 225, the following new account numbers, titles and text are added:

225–5 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

230 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 03–2, upon approval by the Commission.

232 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 03–2, upon approval by the Commission.

25. After the text of account 232, the heading "Extraordinary and prior period items" is revised to read:

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

26. The text of account 270 "Extraordinary items (net)," is revised to read:

270 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 03–2, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 290—"Income taxes on extraordinary items", or account 291, "Provision for deferred taxes—extraordinary items".

280 [Deleted]

26a. The number, title and text of account 280 "Prior period items (net)" are deleted.

27. The title and text of account 290 "Income taxes on extraordinary items and prior period items" are revised to read:

290 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit and credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 270, "Extraordinary items (net)". The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 291, "Provision for deferred taxes—extraordinary items".

28. The title and text of account 291 "Provision for deferred taxes—extraordinary and prior period items" are revised to read:

291 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 270, "Extraordinary items (net)". (See instruction 01–16).

29. After the text of account 291, "Provision for deferred taxes-extraordinary items" the following new account number, title and text are added

292 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 03–2, upon approval by the Commission.

PROFIT AND LOSS ACCOUNTS

30. After account 301 "Credit balance at beginning of fiscal period", the following new account number, title and text are added

301–1 Prior period adjustments to beginning balance of earned surplus (credit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

31. After account 307 "Debit balance at beginning of fiscal period", the following new account number, title and text are added:

307–1 Prior period adjustments to beginning balance of earned surplus (debit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

GENERAL BALANCE SHEET

05–3 [Amended]

05–7 [Amended]

32. In the text of general instruction 05–7, "Recorded value of securities owned," paragraph (a) is amended by deleting the words "or to account 270, "Extraordinary items," as appropriate" at the end of the paragraph. In paragraph (b) (2) (d), the parenthetical words "(see instruction 01–6)" is revised to read "(see instruction 03–2)".

GENERAL BALANCE SHEET ACCOUNTS

406–1 [Amended]

33. The text of account 406–1 "Reserve for adjustment of investment in securities," is amended by striking the words "or account 270. "Extraordinary items," as appropriate" at the end of the text.

418 [Amended]

447 [Amended]

34. The text of account 447 "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

ROAD AND EQUIPMENT

06–7 [Amended]

35. The text of general instruction 06–7 "Land sold or reclassed" is amended by striking the words "or account 270, "Ex-

traordinary Items," pursuant to instruction 01-6" at the end of the first sentence.

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

36. Under "Income Accounts" the following revisions are made:

* * * * *

641 * * *
650 Unusual or infrequent items (credit).
651 Unusual or infrequent items (credit).

* * * * *

731 * * *
740 Unusual or infrequent items (debit).
741 Unusual or infrequent items (debit).
800 Income taxes on income from continuing operations.
810 Income taxes on income from continuing operations.

* * * * *

821 * * *
850 Discontinued operations.
851 Income (loss) from operations of discontinued segments.
852 Gain (loss) on disposal of discontinued segments.
900 Extraordinary items and accounting changes.
910 * * *
911 * * *
930 Income taxes on extraordinary items.
931 Income taxes on extraordinary items.
940 Provision for deferred taxes—extraordinary items.
941 Provision for deferred taxes—extraordinary items.
950 Cumulative effect of changes in accounting principles.
951 Cumulative effect of changes in accounting principles.

* * * * *

DEFINITIONS

37. In part (i) "Definitions," after the text of definition 42(g) "Date of Acquisition" add the following:

Definitions. * * *

* * * * *

43. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

1-1 [Amended]

38. Instruction "1-1 Classification of accounts" is amended by revising paragraphs (b), (c), (d) and adding paragraph, (e) (f), (g) and (h) as follows:

1-1 Classification of accounts.

* * * * *

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal late (see definition 43(c)).

(e) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(f) *Acounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases, accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(g) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(h) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying paragraphs (b) through (g), above.

39. Instruction "1-2 Accounting scope" is amended as follows:

1-2 Accounting scope.

* * * * *

(c) * * *

(8) Income taxes on income from continuing operations—amounts paid to

federal government for taxes based on income from continuing operations.

(9) Extraordinary items and accounting changes—amounts to be accounted for in accordance with instruction 1–1(b).

* * * * *

(d) * * *

Income Statement Groups.

* * * * *

800 Income taxes on income from continuing operations.
900 Extraordinary items and accounting changes.

* * * * *

640 * * *
650 Unusual or infrequent item (credit).

* * * * *

730 * * *
740 Unusual or infrequent items (credit).

* * * * *

810 Income taxes on income from continuing operations.
850 Discontinued operations.

* * * * *

910 * * *
930 Income taxes on extraordinary items.
940 Provision for deferred taxes—extraordinary items.
950 Cumulative effect of changes in accounting principles.

* * * * *

641 * * *
651 Unusual or infrequent items (credit).

* * * * *

731 * * *
741 Unusual or infrequent items (debit).

* * * * *

813 * * *
851 Income (loss) from operations of discontinued segments.
852 Gain (loss) from disposal of discontinued segments.

* * * * *

911 * * *
931 Income taxes on extraordinary items.
941 Provision for deferred taxes—extraordinary items.
951 Cumulative effect of changes in accounting principles.

* * * * *

40. Instruction "1–10 Amortization of intangibles" is amended by revising paragraph (b) to read:

1–10 Amortization of intangibles.

* * * * *

(b) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 141, Intangible property, has become limited or its value impaired, its cost shall be amortized through account 731, Miscellaneous expenses, or it may be entirely written off by charge to this account, with concurrent credit to account 142, Accumulated amortization on intangible property.

* * * * *

1–18 [Amended]

41. In the text of instruction 1–18, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS

2–2 [Amended]

42. The text of instruction 2–2, "Investments—special funds," paragraph (b) last sentence, is revised to read:

"* * * Such losses in value of securities written off shall be charged to account 731—08—Miscellaneous, sundry expenses."

* * * * *

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

43. Instruction "3–3 Retirements" is amended by revising paragraph (c) to read:

3–3 Retirements.

* * * * *

(c) Land. When land is sold, the book costs shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be debited or credited to account 641—Miscellanous income.

* * * * *

SECONDARY OPERATING EXPENSE ACCOUNTS

04 [Amended]

44. In the text of account 04, "Taxes and licenses", paragraph (a) is amended by striking the words "and prior period" before the last word of this paragraph.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

243 [Amended]

The text of account 243, "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

45. The text of account 255 "Retained income" is amended by revising paragraph (a) and adding paragraph (j) after (i). As amended, the text reads as follows.

255 Retained income.

(a) * * *

09 Prior period adjustments to beginning retained income account.

* * * * *

(j) 09 *Prior period adjustments to beginning retained income account.* This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–1, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

INCOME ACCOUNTS

46. The text of account 641, "Miscellaneous income," is amended by designating the existing note as NOTE A and by adding NOTE B. As amended the text reads:

* * * * *

NOTE A: * * *

NOTE B: Gains from extinguishment of debt shall be aggregated and, if material, credited to account 911, "Extraordinary items," upon approval by the Commission.

47. After the text of account "641 Miscellaneous income" the number, title and text for new accounts 650 and 651 are added to read:

650 Unusual or infrequent items (credit).

651 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–1, upon approval by the Commission.

48. The text of account 731, "Miscellaneous expense," is amended by adding a new paragraph (c). As amended the text reads:

* * * * *

(c) Losses from extinguishment of debt shall be aggregated and, if material, charged to account 911, "Extraordinary items," upon approval of the Commission.

49. After the text of account "731 Miscellaneous expenses", the numbers, titles and texts for new accounts 740 and 741, are added to read:

740 Unusual or infrequent items (debit).

741 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–1, upon approval by the Commission.

The titles of control accounts 800 and 810 are revised to read:

800 Income taxes on income from continuing operations.
810 Income taxes on income from continuing operations.

811 [Amended]

50. The texts of account 811, "Federal income taxes" and account 813, "Other income taxes" are amended by striking the words "and prior period" in the parenthetical sentences.

51. After the text of account 821, "Provision for deferred taxes," the numbers, titles and texts for new accounts 850, 851, and 852 are added to read:

850 Discontinued operations.

851 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 43(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–1, upon approval by the Commission.

852 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–1, upon approval by the Commission.

* * * * *

52. The title of control account 900 is revised to read:

900 Extraordinary items and accounting changes.

53. The text of account "911 Extraordinary items (net)" is revised to read:

911 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–1, upon submission a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 931—"Income taxes on extraordinary items", or account 941 "Provision for deferred taxes—extraordinary items".

920 [Deleted]

921 [Deleted]

54. The number and title of control account 920 "Prior period items (net)" and the number, title and text of account 921 "Prior period items (net)" are deleted.

55. The title of control account 930 is revised to read:

930 Income taxes on extraordinary items.

56. The title and text of account "931 Income taxes on extraordinary and prior period items" are revised to read:

931 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 910, Extraordinary items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 940, Provision for deferred taxes—extraordinary items.

57. The title of account 940 and the title and text of account 941, are revised to read:

940 Provision for deferred taxes—extraordinary items.

941 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 910, Extraordinary items (net). (See instruction 1–18).

58. After the text of account "941 Provision for deferred taxes—extraordinary items," the following new account numbers, titles and text are added:

950 Cumulative effect of changes in accounting principles.

951 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–1, upon approval by the Commission.

59. Account "998 Form of income statement" is amended as follows:

998 Form of income statement.

	* * * * *	
640	* * *	
650	Unusual or infrequency items (credit)	$------
730	* * *	
740	Unusual or infrequency items (debit)	------
	Total Nonoperating Expenses	------
	Income from continuing operations before income taxes	------
800	Income taxes on income from continuing operations.	
810	Income taxes on income from continuing operations.	
	Income from continuing operations	------
820	Provision for income taxes	
850	Discontinued operations (less applicable income taxes)	------
	Income before extraordinary items	------
900	Extraordinary items and accounting changes	------
910	Extraordinary items (net)	------
930	Income taxes on extraordinary items	------
940	Provision for deferred taxes—extraordinary items	------
	Total extraordinary items	------
950	Cumulative effect on changes in accounting principles (less applicable income taxes of $----)	------
	Net income (or Loss)	------

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

List of Instructions and Accounts

Under "General Instructions:"

1. Line item 1–6, "Extraordinary and prior period items" is revised to read:

1–6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations, and accounting changes.

2. Under "Income Accounts," the following revisions are made:

* * * * *

640 * * *

643 Unusual or Infrequent Items (Credit).

* * * * *

660 * * *

665 Unusual or Infrequent Items (Debit).

670 Federal Income Taxes on Income from Continuing Operations.

671 * * *

Discontinued Operations.

675 Income (Loss) From Operations of Discontinued Segments.

676 Gain (Loss) on Disposal of Discontinued Segments.

Extraordinary Items and Accounting Changes.

680 * * *

695 Income Taxes on Extraordinary Items.

696 Provision for Deferred Taxes—Extraordinary Items.

697 Cumulative Effect on Changes in Accounting Principles.

* * * * *

700 * * *

705 Prior Period Adjustments to Beginning Retained Income Account.

* * * * *

DEFINITIONS

3. After the text of definition 31(g), "Date of acquisition," the following are added:

* * * * *

Definitions. * * *

32. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

4. The title and text of instruction 1–6, "Extraordinary and prior period items," are revised to read:

1–6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations and accounting changes.

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 32(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 32(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 32(c)).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 1–6.

In the text of instruction 1–12, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

5. The text of instruction 3–7, "Retirements," is amended by revising paragraph (a) to read:

3–7 Retirements. * * *

(a) *Land.* The book cost of land retired shall be removed from the property accounts. Gain or loss on the sale of land shall be recorded in account 640, Miscellaneous Income, or account 660, Miscellaneous Income Charges.

* * * * *

BALANCE SHEET ACCOUNTS

23 [Amended]

6. The text of account 23, Reductions in Security Values-Credit, is amended by striking the words "or account 680, Extraordinary Items," as appropriate," at the end of the text.

64 [Amended]

7. The text of account 64, Accumulated Deferred Income Tax Credits, is amended by striking the words "and prior period," in paragraph (a).

CARRIER PROPERTY ACCOUNTS

101, 151, 171 [Amended]

8. The text of accounts 101, 151, 171, "Land," is amended by striking the words "or, when qualifying as extraordinary pursuant to instruction 1–6, shall be included in account 680, Extraordinary Items," appearing in the last sentence of paragraph (b).

INCOME ACCOUNTS

640 [Amended]

9. The text of account 640, Miscellaneous Income, is amended by revising paragraph (b) to read:

* * * * *

(b) Gains from extinguishment of debt shall be aggregated and, if material, credited to account 680, Extraordinary Items, upon approval by the Commission.

10. After the text of account 640, Miscellaneous Income, the following new account number, title and text are added:

645 Unusual or Infrequent Items (Credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–6, upon approval by the Commission.

660 [Amended]

11. The text of account 660, Miscellaneous Income Charges, is amended by revising paragraph (b) to read:

* * * * *

(b) Losses from extinguishment of debt shall be aggregated and, if material, charged to account 680, Extraordinary Items, upon approval by the Commission.

12. After the text of account 660, Miscellaneous Income Charges, the following new account number, title and text are added:

665 Unusual or Infrequent Items (Debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1-6, upon approval by the Commission.

670 [Amended]

13. In the text of account 670, Income Taxes on Ordinary Income, paragraph (a) is amended by striking the words "and prior period," in the second sentence and the title of account 670 is changed to read:

670 Federal Income Taxes on Income from Continuing Operations.

14. After the text of account 671, Provision for Deferred Taxes, accounts 675, 677 and 697, are added, 680, 695 and 696 are revised, and 690, Prior Period Items (Net) is deleted, to read as follows:

675 Income (Loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 32(a)), after giving effect to income tax consequences that has been or will be discontinued in accordance with the text of instruction 1-6, upon approval by the Commission.

676 Gain (Loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1-6, upon approval by the Commission.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

680 Extraordinary Items (Net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1-6, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 695, Income Taxes on Extraordinary Items, or account 696, Provision for Deferred Taxes—Extraordinary Items, as applicable.

695 Income Taxes on Extraordinary Items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified extraordinary, and are recorded in account 680, Extraordinary Items (Net). The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in acount 696, Provision for Deferred Taxes—Extraordinary Items.

696 Provision for Deferred Taxes—Extraordinary Items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 680, Extraordinary Items (Net) (See instruction 1-12).

697 Cumulative Effect of Changes in Accounting Principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1-6, upon approval by the Commission.

* * * * *

RETAINED INCOME ACCOUNTS

15. After the text of account 700, Net Balance Transferred from Income, the following new account number, title and text are added:

705 Prior Period Adjustments to Beginning Retained Income Account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1-6, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

16. Account 798, Form of Income Statement, is amended by the following revisions:

798 Form of income statement.

* * * * *

640 * * *
645 Unusual or Infrequent Items (Credit).

* * * * *

660 * * *
665 Unusual or Infrequent Items (Debit).

* * * * *

670 Federal Income Taxes on Income from Continuing Operations.
671 * * *

DISCONTINUED OPERATIONS

675 Income (Loss) from Operations of Discontinued Segments. (Less Applicable Income Taxes of $____).
676 Gain (Loss) from Disposition of Discontinued Segments (Less Applicable Income Taxes of $____).
Income (Loss) before Extraordinary Items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

680 * * *
695 Income Taxes on Extraordinary Items.
696 Provision for Deferred Taxes—Extraordinary Items.

TOTAL EXTRAORDINARY ITEMS

697 Cumulative Effect of Changes in Accounting Principles (Less Applicable Income Taxes of $____).
Net Income (Loss).

17. The text of account 799, "Form of Unappropriated Retained Income Statement," is revised as follows:

799 Form of unappropriated retained income statement.

* * * * *

700 * * *
705 Prior Period Adjustments to Beginning Retained Income Account.

* * * * *

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Income Accounts Texts," the following revisions are made:

* * * * *

551 * * *
553 Unusual or Infrequent Items (Debit).

DISCONTINUED OPERATIONS

555 Income (Loss) from Operations of Discontinued Segments.
557 Gain (Loss) on Disposal of Discontinued Segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

570 * * *
590 Income Taxes on Extraordinary Items.
591 Provision for Deferred Taxes—Extraordinary Items.
592 Cumulative Effect of Changes in Accounting Principles.

* * * * *

2. Under "Retained Income Accounts Texts," the following revisions are made:

* * * * *

601 * * *
601-1 Prior Period Adjustments to Beginning Retained Income Account (Credit).

* * * * *

611 * * *
611-1 Prior Period Adjustments to Beginning Retained Income Account (Debit).

* * * * *

General Instructions

3. Instruction 2, "Definitions" is amended by adding the following definitions after the text of definition:

2 Definitions.

* * * * *

(bb) (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction shoud not be classified as a disposal of a segment of business.

(2) "Measurement date," means the date on which the management having

authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the order authorizing the disposal.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

4. The text of instruction 3, "Classification of accounts," is revised to read:

3 Classification of accounts.

(a) Accounts are prescribed to cover cost of property used in furnishing cars or protective service and for revenues, expenses, taxes and income from such service. Separate accounts are prescribed for investment in property not used in such services and for other investments and income therefrom; for extraordinary and prior period items, including applicable income taxes; and for assets, liabilities and capital includible in the balance sheet statement. Retained income accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are to be reported net of income taxes.

(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition bb(1)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition bb(2)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition bb(3)).

(e) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(f) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(g) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(h) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying paragraphs (b) through (h), above.

Income and Balance Sheet Accounts Instructions

37 [Amended]

5. In the text of instruction 37, "Book value of securities owned," paragraph (a)(2) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the paragraph.

42 [Amended]

6. In the txet of instruction 42, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

Property Account Texts

51 [Amended]

7. In the text of account 51, "Land," Note C is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate."

Income Accounts Texts

519 [Amended]

8. The text of account 519, "Miscellaneous Income," is amended by deleting the reference to the note "(see note)" at the end of the second to the last item and by revising the note to read:

* * * * *

NOTE: Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570, "Extraordinary Items," upon approval by the Commission.

532 [Amended]

9. In the text of account 532, "Car Line Tax Accruals," the third paragraph is amended by striking the words "and prior period," in the second sentence.

551 [Amended]

10. The text of account 551, "Miscellaneous Income Charges," is amended by deleting the reference to the note "(see note)" at the end of the second to the last item and by revising the note to read:

* * * * *

NOTE: Losses from extinguishment of debt shall be aggregated and, if material, charged to account 570, "Extraordinary Items," upon approval by the Commission.

11. After the text of account 551, "Miscellaneous Income Charges," accounts 553, 555, 557 and 592 are added; 570,

590 and 591 are amended; and 580, "Prior Period Items (Net)," is deleted, to read as follows:

553 Unusual or infrequent items.

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 3(c), upon approval by the Commission.

555 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition bb(1)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 3(d), upon approval by the Commission.

557 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 3(d), upon approval by the Commission.

Extraordinary Items and Accounting Changes

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 3(b), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items," as appropriate.

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes—Extraordinary."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 42).

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 3(f), upon approval by the Commission.

12. Account 599, "Form of Income Statement," is amended as follows:

599 Form of income statement.

* * * * *

548 * * *
Total fixed charges and other deductions ----------

UNUSUAL OR INFREQUENT ITEMS

553 Unusual or Infrequent Items (debt) credit ----------
(Less applicable Income Taxes of $----)
Income (or loss) from continuing operations ----------

V. DISCONTINUED OPERATIONS

555 Income (loss) from operations of discontinued segments ----------
(Less applicable income taxes of ----)
557 Gain (loss) from disposal of discontinued segments ----------
(Less applicable income taxes of $----)
Income (loss) before extraordinary items ----------

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

570 Extraordinary Items (Net) ----
590 Income Taxes on Extraordinary Items ----------
591 Provision for Deferred Taxes—Extraordinary Items ----------
Extraordinary Items ----------
592 Cumulative Effect of Changes in Accounting Principles ----
(Less Applicable Income Taxes of $----)
Net Income (Or Loss) ----

Retained Income Accounts Texts

13. After the text of account 601, "Credit Balance (at beginning of calendar year)," the following is added:

601–1 Prior period adjustments to beginning retained income account (credit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

14. After the text of account 611, "Debit Balance (at beginning of calendar year)," the following is added:

611–1 Prior period adjustments to beginning retained income account (debit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

General Balance Sheet Accounts

723 [Amended]

15. In the text of account 723, "Reserve for Adjustment of Investment in Securities—C," paragraph (a), is amended by striking the words "or account 570, 'Extraordinary Items,' as appropriate." at the end of the paragraph. Paragraph (b) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences of the paragraph.

785 [Amended]

16. The text of account 785, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS AND ACCOUNTS

Under "Definitions":

1. After the line item "1–42 Terminology relative to equity accounting", the following is added:

1–43 Disposal of a segment of a business.

Under "Instructions":

2. Line item "2–7 Extraordinary and prior period items" is revised to read:

2–7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

3. Under "Balance sheet accounts", after line item "2930 Earned Surplus", the following is added:

2931 Prior period adjustments to beginning earned surplus account.

* * * * *

4. Under "Income accounts", the following revisions are made:

INCOME ACCOUNTS

* * * * *

6500 * * *
6600 Unusual or infrequent items (credit)

* * * * *

7500 * * *
7600 Unusual or infrequent items (debit).

* * * * *

8000 Income taxes on income from continuing operations.
8040 * * *
Discontinued operations.
8100 Income (loss) from operations of discontinued segments.
8120 Gains (loss) on disposal of discontinued segments.
Extraordinary items and accounting changes.

9010 * * *
9050 Income taxes on extraordinary items.
9060 Provision for deferred taxes—extraordinary items.
9070 Cumulative effect of changes in accounting principles.

* * * * *

DEFINITIONS

5. After the text of definition "1–42 Terminology relative to equity accounting", the following are added:

1–43 Disposal of a segment of a business.

(a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

INSTRUCTIONS

6. The title and text of instruction "2–7 Extraordinary and prior period items" are revised to read:

2–7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a nigh degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria fo rclassification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 1–43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 1–43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 1–43(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 2–7.

2–15 [Amended]

7. In the text of instruction 2–15, "Book cost of securities owned", paragraph (b) is amended by striking the words "or account 9010, Extraordinary Items, as appropriate. (see instruction 7)." Paragraph (e) is also amended by striking the words "or when qualifying as extraordinary pursuant to instruction 7, shall be included in account 9010, Extraordinary item."

8. The text of instruction 2–21, "Operating property retired," paragraph (d) is revised to read:

2–21 Operating property retired.

* * * * *

(d) *Land.* When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and intangible, the cost of which is included through account 6500, Other Nonoperating Income, or account 7500, Other Deductions, as appropriate.

* * * * *

9. In instruction 2–31, "Amortization of intangibles," paragraph (a) is revised to read:

2–31 Amortization of intangibles.

(a) When it becomes reasonably evident that the term of existence of an intangible, the cost of whcih is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to account 7500, Other Deductions, depending on the remaining estimated period of usefulness.

* * * * *

2–32 [Amended]

10. In the text of instruction 2–32, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

BALANCE SHEET ACCOUNTS

11. The text of account 1550, Other intangible property paragraph (b) is revised to read:

1550 Other intangible property.

(b) The carrier may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 7500, Other deductions.

1675 [Amended]

12. In the text of account 1675, Reserve for adjustment of investments in securities, paragraphs (a), (b) and (c) are amended by striking the words "or account 9010, Extraordinary Items, as appropriate."

1890 [Amended]

13. In the text of account 1890, Other deferred debits, paragraph (a) is amended by striking the words "or account 9010, Extraordinary items, as appropriate," at the end of the paragraph.

2460 [Amended]

14. The text of account 2460, Accumulated deferred income tax credits is amended by striking the words "and prior period" in paragraph (a).

2600 [Amended]

15. The text of account 2600, Reserve for amortization-carrier operating property, paragraph (a) is amended by striking the words "or account 9010, Extraordinary items," in the last sentence of the paragraph.

16. After the text of account 2930, Earned surplus, the following new account number, title and text are added:

2931 Prior period adjustments to beginning retained surplus account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instructions 2–7, to the balance in the retained surplus account at the beginning of the calendar year, upon approval by the Commission.

4652 [Amended]

17. In the text of account 4652, Employee's welfare expenses, paragraph (c) is amended by striking the words "or account 9010, Extraordinary items, as appropriate" in the first sentence.

6500 [Amended]

The text of account 6500, Other nonoperating income, is amended by designating the existing note as Note A and by adding the following as Note B to read:

* * * * * * *

NOTE A * * *

NOTE B: Gains from extinguishment of debt shall be aggregated and, if material, credited to account 9010, Extraordinary items, upon approval by the Commission.

18. After the text of account 6500, Other nonoperating income, the following new account number, title and text are added:

6600 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2–7, upon approval by the Commission.

7500 [Amended]

The text of account 7500, Other deductions, is amended by adding paragraph (h). As amended, the text reads as follows:

* * * * * * *

(h) Losses resulting from extinguishment of debt shall be aggregated and, if material, charged to account 9010, Extraordinary items, upon approval by the Commission.

19. After the text of account 7500, Other deductions, the following new account number, title and text are added:

7600 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2–7, upon approval by the Commission.

The title of account 8000, Income taxes on ordinary income, is revised to read:

8000 Income taxes on income from continuing operations.

20. After the text of account 8040, Provision for deferred taxes, the following new account number, titles and texts are added:

DISCONTINUED OPERATIONS

8100 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 1–43), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 2–7, upon approval by the Commission.

8120 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 2–7, upon approval by the Commission.

21. After the text of account 8120, "Gain (loss) on disposal of discontinued segments," the heading "Extraordinary and Prior Period Items" is revised to read:

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

22. The text of account 9010, Extraordinary items (net), is revised to read:

9010 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 2–7, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 9050, Income taxes on extraordinary items, or 9060, Provision for deferred taxes—extraordinary items.

9030 [Deleted]

23. The number, title and text of account 9030, "Prior period items (net)" are deleted.

24. The titles and texts of account 9050 and account 9060 are revised to read:

9050 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 9010, Extraordinary items (net). The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 9060, Provision for deferred taxes—extraordinary items.

9060 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 9010, Extraordinary items (net). (See instruction 2–32).

25. After the text of account 9060, Provision for deferred taxes-extraordinary items, the following new account number, title and text are added:

9070 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 2–7, upon approval by the Commission.

26. The text of account 9999, Form of income statement is revised as follows:

9999 Form of income statement.

* * * * * * *

6500 * * *
6600 Unusual or infrequent items (credit) ---------- $------

* * * * * * *

7500 * * *

7600	Unusual or infrequent items (debit)	------
	Total income deductions	
	Income from continuing operations before income taxes	
8000	Income taxes on income from continuing operations	
8040	* * *	
	Income (loss) from continuing operations	------
	IV. DISCONTINUED OPERATIONS	
8100	Income (loss) from operations of discontinued segments (less applicable income taxes of ----)	------
8120	Gain (loss) on disposal of discontinued segments (less applicable income taxes of ----)	------
	Income (loss) Before Extraordinary Items	------
	EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES	
9010	* * *	
9050	Income taxes on extraordinary items	------
9060	Provision for deferred taxes—extraordinary items	------
	Total extraordinary items	------
9070	Cumulative effect of changes in accounting principles (less applicable income taxes of ----)	------
	Net Income (or Loss) Transferred to Earned Surplus	------

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

LIST OF INSTRUCTIONS

1. Line item 8, "Extraordinary and Prior Period Items," is revised to read:

8 Extraordinary, unusual, or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

Definitions

2. After definition 40(g), "Date of acquisition," the following are added:

42. (a) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(b) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order.

(c) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

Class I and Class II Motor Carriers Instructions

3. The title and text of instruction 8., "Extraordinary and prior period items," are revised to read:

8 Extraordinary, unusual or infrequent items, discontinued operations; prior period adjustments; and accounting changes.

(a) *Extraordinary items.* (1) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they musta lso meet the materiality standard.

(2) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

(3) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 42(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 42(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 42(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period, the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 8.

18 [Amended]

4. Instruction 18, "Book cost of securities owned," paragraph (b) is amended by striking the parenthetical words "(See instruction 8.)" at the end of the paragraph.

21 [Amended]

5. In instruction 21, "Retirement of property," paragraph (a)(4), Land . . . and structures, the sentence reading, "When qualifying as extraordinary pursuant to instruction 8, the difference should be adjusted through account 8800—Extraordinary Items (Class II), and account 8810—Extraordinary Items (Net) (Class I) is deleted.

23 [Amended]

6. In instruction 23, "Depreciation and amortization," paragraph (d)(2), the following sentence reading, "When qualifying as extraordinary pursuant to instruction 8, the entire amount of such items may * * * amortization account," is deleted.

7. The text of paragraph (a) instruction 30, "Amortization of other intangible property," Paragraph (a) is revised to read:

30 Amortization of other intangible property.

(a) When it becomes * * * period of usefulness, with concurrent credit to account 1342—Accumulated Amortization—Other Intangible Property (Classes I and II).

* * * * *

31 [Amended]

8. In the text of instruction 31, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e), are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

Class I and Class II Motor Carriers Balance Sheet Account Explanations

9. The texts of accounts 1322, 1332, 1342, 1428, 1430, 1448, and 1512, are amended to delete references to Account Series 8800/9800—Extraordinary Items. Specific amendments are as follows:

1322 [Amended]

Account 1322—Accumulated Amortization—Franchises (Class I), paragraph (a), is amended by striking the words "or Account Series 8800/9800—Extraordinary Items, as appropriate."

1332 [Amended]

Account 1332—Accumulated Amortization—Permits and Patents (Class I), paragraph (a), is amended by striking the words "or Account Series 8800/9800—Extraordinary Items, as appropriate."

1342 [Amended]

Account 1342—Accumulated Amortization—Other Intangible Property (Classes I and II), paragraph (a), is amended by striking the words "or Account Series 8300/9800—Extraordintry Items, as appropriate."

1428 [Amended]

Account 1428—Adjustments—Investments and Advances; Affiliated Companies (Classes I and II) is amended by striking the words "or Account Series 8800/9800—Extraordinary Items, as appropriate."

1430 [Amended]

Account 1430—Other Investments and Advances (Class II), Note B, is amended by striking the words "or, when qualifying as extraordinary * * * (Class I)," in the last sentence of the note.

1448 [Amended]

Account 1448—Adjustments—Other Investments and Advances (Classes I and II) is amended by striking the words "or Account Series 8800/9800—Extraordinary Items, as appropriate."

1512 [Amended]

Account 1512—Other Deferred Debits (Class I), paragraph (b), is amended by striking the words "or Account Series 8800/9800—Extraordinary Items, as appropriate."

2420 [Amended]

10. The text of account 2420—Accumulated Deferred Income Tax Credits (Class I and II) is amended by striking the words "and prior period," in paragraph (a).

11. The text of account 2652—Retained Earnings—Unappropriated (Classes I and II) is amended by amending paragraph (a) and revising paragraph (b), to read:

2652 Retained Earnings-Unappropriated (Classes I and II).

(a) This account shall include the balance of the amounts included in accounts 2910 to 2961, inclusive, * * *.

(b) The balance of all retained earnings accounts (2910 to 2961, inclusive), shall be closed to this account at the end of each calendar year.

12. Before the text of account 2911—Credit Balances Transferred From Income (Classes I and II) the following new account number, title and text are added:

2910 Prior period adjustments to beginning retained earnings account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 8, to the balance in the retained earnings account at the beginning of the calendar year, upon approval by the Commission.

Class I and Class II Motor Carriers, Chart of Accounts, Other Income and Expenses

13. Under the heading "Class II Accounts," the following additions and revisions are made:

*	* * * * *
8400/9400	* * *
8435/9435	Unusual or infrequent items—credit.
8445/9445	Unusual or infrequent items—debit.
*	* * * * *
8700/9700	Income taxes or income from continuing operations.
8740/9740	* * *
8750/9750	Income or loss from operations of discontinued segments.
8755/9755	Gain or loss on disposal of discontinued segments.
*	* * * * *
8851/9851	Provision for deferred taxes—extraordinary items.
8860/9860	Cumulative effect of changes in accounting principles.

14. Under the heading, "Class I Accounts," the following additions and revisions are made:

*	* * * * *
8429/9429	* * *
8435/9435	Unusual or infrequent items—credit.
8445/9445	Unusual or infrequent items—debit.
*	* * * * *
8700/9700	Income taxes on income from continuing operations.
8740/9740	* * *
8750/9750	Income or loss from operations of discontinued segments.
8755/9755	Gain or loss on disposal of discontinued segments.
*	* * * * *
8810/0810	* * *
8850/9850	Income taxes on extraordinary items.
8851/9851	Provision for deferred taxes—extraordinary items.
8860/9860	Cumulative effect of changes in accounting principles.

Other Income and Expense Account Explanations

8400/9400 [Amended]

15. The text of account 8400/9400—Other Nonoperating Income (Net) (Classes I and II) is amended by deleting reference to Note B at the end of paragraph (c)(7) and by revising Note B to read:

* * * * *

NOTE B: Gains or losses from extinguishment of debt shall be aggregated and, if material, included in account 8810/9810—Extraordinary Items (Class I) upon approval by the Commission.

16. After the text of account 8429/9429—Other (Nonoperating Deductions) (Class I) the following new account numbers, titles and texts are added:

8435/9435 Unusual or infrequent items (credit) (classes I and II).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8445/9445 Unusual or infrequent items (debit) (classes I and II).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8700/9700 [Amended]

17. The text of account 8700/9700—Income Taxes on Ordinary Income (Classes I and II) is amended by striking account 8800/9800—Extraordinary Items (Class II) and Prior Period, appearing in the last sentence of paragraph (c) and the title is revised to read:

8700/9700 Income taxes on income from continuing operations.

18. After the text of account 8740/9740—Provision for Deferred Taxes (Classes I and II) the following new account numbers, titles, and texts are added:

8750/9750 Income or loss from operations of discontinued segments (Classes I and II).

This account shall include the results of operations of a segment of a business (see definition 42(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 8, upon approval by the Commission.

8755/9755 Gain or loss on disposal of discontinued segments (Classes I and II).

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 8, upon approval by the Commission.

19. The text of account 8800/9800—Extraordinary Items (Classes I and II) is revised to read as follows:

8800/9800 Extraordinary items (Classes I and II).

(a) Class I carriers may use this account as a control account for accounts 8810/9810 and 8850/9850.

(b) Class II carriers may record separately amounts described as extraordinary and income taxes on such amounts.

(c) Class II carriers shall also include in this account the estimated income tax consequences (debit or credit), assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary.

(d) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(e) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(f) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850—Income Taxes on Extraordinary Items (Class I), or 8851/9851—Provision for Deferred Taxes—Extraordinary Items (Class I).

20. The text of account 8810/9810—Extraordinary Items (Net) (Class I) is revised to read:

8810/9810 Extraordinary items (net) (class I).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850—Income Taxes on Extraordinary Items, or account 8851/9851—Provision for Deferred Taxes—Extraordinary Items (Class I).

8820/9820 [Deleted]

21. The account number, title and text of account 8820/9820—Prior Period Items (Net) (Class I) are deleted.

22. The title and text of account 8850/9850—Income Taxes on Extraordinary and Prior Period Items (Class I) are revised to read:

8850/9850 Income taxes on extraordinary items (class I).

This account shall include the estimated income tax consequences (Debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 8810—Extraordinary Items (Net). The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting and taxable income shall be included in account 8851/9851—Provision for Deferred Taxes—Extraordinary Items.

23. The title and text of account 8851/9851—Provision for Deferred Taxes—Extraordinary and Prior Period Items (Class I), are revised to read:

8851/9851 Provision for deferred taxes—extraordinary items (class I).

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 8810/9810—Extraordinary Items (Net). (See instruction 31).

24. After the text of account 8851/9851—Provision for Deferred Taxes—Extraordinary Items (Class I), add:

8860/9860 Cumulative effect of changes in accounting principles (class I and II).

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 8, upon approval by the Commission.

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Retained Income Accounts," after line item 281, "Net Income Balance," add:

282 Prior Period Adjustments to Beginning Retained Income Account.

3. Under "Income Accounts," line items 531, 534, 536 and 592, are added, and line item 580, "Prior period items (Net)," is deleted to read as follows:

* * * * * * *

530 * * *
531 Unusual or Infrequent Items.
532 Income Taxes on Income from Continuing Operations.
533 * * *

DISCONTINUED OPERATIONS

534 Income (loss) from operations of discontinued segments.
536 Gain (loss) on disposal of discontinued segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

570 * * *
590 Income taxes on extraordinary items.
591 Provision for deferred taxes—extraordinary items.
592 Cumulative effect of changes in accounting principles.

* * * * * * *

General Instructions

4. Instruction 2, "Definitions," is amended by adding the following:

* * * * * * *

zz. (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(2) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition zz(1)), shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition zz(2)(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition zz(3)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 4.

13 [Amended]

6. In the text of instruction 13, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentence of these paragraphs.

23 [Amended]

7. Instruction 23, "Book cost of securities owned," paragraph (b), is amended by striking the words "or account 570, 'Extraordinary Items' as appropriate," in the last sentence of the paragraph.

Property Instructions

44 [Amended]

9. The text of instruction 44, "Cost of construction," paragraph (g) is amended by striking the words "or account 570, "Extraordinary Items," as appropriate," in the second sentence of the paragraph.

47 [Amended]

10. The text of instruction 47, "Retirement and replacement," is amended by striking the words "or account 570, 'Extraordinary Items,' as appropriate," in the third and fourth sentences of paragraph (c), and at the end of paragraph (d).

Balance Sheet Accounts

11. The text of account 147, "Land," paragraph (b), is amended by deleting the words after "account 507, "Miscellaneous Income." As amended, the paragraph reads:

147 Land.

* * * * *

(b) * * *. Any excess shall be credited to account 507, "Miscellaneous Income."

DETAILS

* * * * *

161 [Amended]

12. The text of account 161, "Depreciation Reserve—Noncarrier Physical Property," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

233 [Amended]

16. The text of account 233 "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

Retained Income Accounts

17. After the text of account 281, "Net Income Balance," add:

282 Prior period adjustments to beginning retained income account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 4, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

Income Accounts

507 [Amended]

18. The text of account 507, "Miscellaneous Income," is amended by revising the last paragraph after item 9 to read:

* * * * *

NOTE: Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570, "Extraordinary Items," upon approval by the Commission.

508 [Amended]

19. The text of account 508, "Profits From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the profit _____."

525 [Amended]

21. The text of account 525, "Losses From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the loss ------"

527 [Amended]

22. The text of account 527, "Miscellaneous Income Charges," is amended by revising the last paragraph after item 14 to read as follows:

* * * * *

NOTE: Losses from extinguishment of debt shall be aggregated and, if material, charged to account 570, "Extraordinary Items," upon approval by the Commission.

23. After the text of account 530, "Amortization of Discount on Long-Term Debt," the following new account number, title and text are added:

531 Unusual or infrequent items.

Included in this account shall be material items unusual in nature *or* infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

532 [Amended]

24. In the text of account 532, "Income Taxes on Ordinary Income," paragraph (a) is amended by striking the words "and prior period," in the second sentence and the title is revised to read:

532 Income Taxes on Income from Continuing Operations.

580 [Deleted]

25. Account 580 "Prior Period Items (Net)" is deleted, and after the text of account 533, "Provision for Deferred Taxes," new accounts 534, 536 and 592 are added; and accounts 570, 590 and 591 are revised to read as follows:

534 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition zz(1)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

536 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

Extraordinary Items and Accounting Changes

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Federal Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items."

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary items."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for current accounting period for income taxes deferred currently or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 13.)

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

26. Account 599, "Form of Income Statement," is amended as follows:

599 Form of income statement.

* * * * *			
530 * * *			
Total Fixed Charges			
V. UNUSUAL OR INFREQUENT ITEMS			
531 Unusual or infrequent items			
Income (loss) from Continuing Operations before Income Taxes			
VI. PROVISION FOR INCOME TAXES			
532 Income Taxes on Income from Continuing Operations			
533 * * *			
Income (loss) from continuing operations [1]			
VII. DISCONTINUED OPERATIONS			
534 Income (loss) from operations of discontinued segments			
(Less applicable income taxes of ----)			
536 Gain (loss) from disposal of discontinued segments			
(Less applicable income taxes of ----)			
Income (loss) before extraordinary items [1]			
VIII. EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES			
570 * * *			
590 Income taxes on extraordinary items			
591 Provision for deferred taxes—extraordinary items			
Extraordinary items			
592 Cumulative effect of changes in accounting principles			
(Less applicable income tax of ----)			
Net income [1]			

[1] If a loss, show amount in red.

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual and infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Earned Surplus Accounts," after line item 301, "Miscellaneous Credits," the following is added:

302 Prior Period Adjustments to Beginning Earned Surplus Account.

3. Under "Income Accounts," the following revisions and additions are made:

* * * * *

422 * * *
423 Unusual or infrequent items (debit).
431 Income taxes on income from continuing operations

* * * * *

432 * * *

DISCONTINUED OPERATIONS

433 Income (loss) from operations of discontinued segments.
434 Gain (loss) on disposal of discontinued segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

435 * * *

450 Income taxes on extraordinary items.
451 Provision for deferred taxes—extraordinary items.
452 Cumulative effect of changes in accounting principles.

* * * * *

General Instructions

4. Instruction 2, "Definitions," is amended by adding the following:

2 Definitions.

* * * * *

(ff) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not

be classified as a disposal of a segment of business.

(gg) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(hh) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition (ff)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition (gg)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition (hh)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for special accounting on these items shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The carrier may refer to generally accepted accounting principles for further guidance in applying instruction 4.

8 [Amended]

6. In the text of instruction 8, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

General Balance Sheet Accounts

132 [Amended]

8. The text of account 132, "Reserve for Adjustment of Investment in Securities," is amended by striking the words "or account 435, "Extraordinary items (Net)," as appropriate," in paragraphs (a), (b) and (c).

161 [Amended]

9. In the text of account 161, "Depreciation Reserve; Nontransportation property," paragraph (b) is amended by striking the words "or account 435, "Extraordinary items," as appropriate," at the end of the paragraph.

10. The text of account 165, "Organization," paragraph (b) is revised to read:

165 Organization.

* * * * *

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

* * * * *

11. In account 166, paragraph (b) is revised to read:

166 Other intangible property.

* * * * *

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

13. In the text of account 190, the first sentence of paragraph (b) is amended to read:

190 Reacquired and nominally issued long-term debt.

(b) The difference between the par value of bonds or other long-term debt included in this account and the amount paid by the company for such securities, including commissions and expenses paid in connection with the reacquisition, shall be credited or debited, at the time of reacquirements, to accounts 403, "Miscellaneous Income," 414, "Miscellaneous Income Charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

232 [Amended]

15. The text of account 232, "Accumulated deferred income tax credits," is amended by striking the words "and prior period" in paragraph (a).

Property Investment Instructions

16. In the text of instruction 43, "Retirements," the first sentence of paragraph 2 is revised to read:

43 Retirements.

* * * * *

2. Land: If the land is sold, the amount of the necessary adjustment between the book cost and the amount realized shall be included in accounts 403, "Miscellaneous income," 414, "Miscellaneous income charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

Earned Surplus Accounts

17. After the text of account 301, "Miscellaneous credits," the following new account number, title and text are added:

302 Prior period adjustments to beginning earned surplus account.

This account shall include adjustments, after giving tax effect, in accordance with the text of instruction 4, to the net balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

Income Instructions

61 [Amended]

18. The text of instruction 61, "Purpose of income accounts," is amended by striking the words "and prior period" at the end of the paragraph.

19. The text of instruction 63, "Form of income statement," is revised as follows:

63 Form of income statement.

* * * * *

Total income deductions.
Income from continuing operations before fixed charges.

FIXED CHARGES

* * * * *

Total fixed charges.

UNUSUAL OR INFREQUENT ITEMS

423 Unusual or infrequent items.
Income from continuing operations before income taxes.

PROVISION FOR INCOME TAXES

431 Income taxes on income from continuing operations.
432 * * *
Income (loss) from continuing operations.

DISCONTINUED OPERATIONS

433 Income (loss) from operations of discontinued segments.
(Less applicable income taxes of ----).
434 Gain (loss) on disposal of discontinued segments.
(Less applicable income taxes of ----).
Income (loss) before extraordinary items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

435 * * *
450 Income taxes on extraordinary items.
451 Provision for deferred taxes—extraordinary items.

TOTAL EXTRAORDINARY ITEMS

452 Cumulative effect of changes in accounting principles.
(Less applicable income taxes of ----).
Net income (transferred to earned surplus)

Income Accounts

403 [Amended]

20. The text of account 403, "Miscellaneous Income," is amended by revising the last paragraph to read as follows:

* * * * *

NOTE: Gains from the extinguishment of debt shall be aggregated and, if material, credited to account 435, "Extraordinary items," upon approval by the Commission.

414 [Amended]

22. The text of account 414, "Miscellaneous Income Charges," is amended by revising the last paragraph to read as follows:

* * * * *

NOTE: Losses from the extinguishment of debt shall be aggregated and, if material, charged to account 435, "Extraordinary items," upon approval by the Commission.

23. After the text of account 422, "Amortization of discount on long-term debt," the following new account number, title and text are added:

423 Unusual or infrequent items.

Included in this account shall be material items unusual in nature *or* infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

The title of account 431, "Income taxes on ordinary income," is revised to read:

431 Income taxes on income from continuing operations.

24. After the text of account 432, "Provision for Deferred Taxes," the following new account numbers, titles and texts are added:

433 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition ff), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

434 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

25. After the text of account 434, "Gain (Loss) on Disposal of Discontinued Segments," the heading "EXTRAORDINARY AND PRIOR PERIOD ITEMS," is revised to read:

Extraordinary Items and Accounting Changes

26. The text of account 435, "Extraordinary Items (Net)," is revised to read:

435 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 450, "Income Taxes on Extraordinary Items," or account 451, "Provision for Deferred Taxes—Extraordinary Items."

440 [Deleted]

27. The number, title and text of account 440, "Prior Period Items (Net)," are deleted.

28. The titles and texts of accounts 450, "Income Taxes on Extraordinary and Prior Period Items," and 451, "Provision for Deferred Taxes—Extraordinary and Prior Period Items," are revised to read:

450 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the agregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 435, "Extraordinary items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in accounts 451, "Provision for deferred taxes—Extraordinary items."

451 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 435, "Extraordinary items (Net)" (See instruction 8).

29. After the text of account 451, "Provision for Deferred Taxes—Extraordinary Items," add:

452 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

[FR Doc.75-30668 Filed 11-14-75;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 TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 5]

[Notice No. 286]

PROPOSED METRIC STANDARDS OF FILL FOR DISTILLED SPIRITS

Extension of Comment Period on Proposed Regulations

This notice extends the post hearing comment period on the proposed regulations published July 16, 1975 (40 FR 29866), concerning metric standards of fill for distilled spirits.

A request for an extension from the Distilled Spirits Council of the United States was received to enable them to respond to comments received from some of the glass manufacturers concerning the transition period and a staged size-by-size phase-in for metric standards of fill.

The Bureau considers the request reasonable, and the comment period is hereby extended to December 10, 1975.

Signed: November 13, 1975.

REX D. DAVIS,
Director.

[FR Doc.75-31129 Filed 11-14-75;8:45 am]

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region VI

Treasury Decision 75-129 (40 FR 24356) established Amarillo, Texas, as a Customs port of entry in the Houston, Texas, Customs district (Region VI). Treasury Decision 75-143 (40 FR 26027) established Lubbock, Texas, as a Customs port of entry in the Laredo, Texas, Customs district (Region VI). Amarillo and Lubbock are located only approximately 110 miles apart in northern Texas, but with existing boundaries are located in separate districts. Both are inland ports which serve as distribution centers for northwest Texas, New Mexico, and Oklahoma. Their locations serve to generate similar Customs operations and, because of their geographical proximity, it is highly desirable for administrative purposes that they be located in the same Customs district. Also, the type of transactions they handle are similar to those in the Houston district rather than the border-type transactions handled in the Laredo district. Therefore, it is proposed to realign the boundaries of the Houston, Texas, Customs district and the Laredo, Texas, Customs district, to permit the inclusion of the port of entry of Lubbock, Texas, in the Houston, Texas, Customs district.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to amend the list of Customs regions and districts set forth in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)), in the following manner:

§ 1.2 [Amended]

In the column headed "Area" opposite "Houston, Tex." in Region VI, it is proposed to delete the description of the area presently contained in the Houston district and replace it with the following description:

That part of the State of Texas lying north of 33° north latitude and that part of the State of Texas lying east of 97° west longitude, except the territory embraced in the Port Arthur and Galveston districts. Also, the counties of Dallas and Tarrant and the State of Oklahoma.

In the column headed "Ports of entry," it is proposed to place the listing for Lubbock, Texas, now in the list of ports opposite the Laredo, Texas, Customs district, in the list of ports opposite the Houston, Texas, Customs district.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration, communications must be received on or before December 17, 1975.

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

Dated: November 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-30862 Filed 11-14-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Percentage Depletion in the Case of Oil and Gas Wells; Extension of Time for Comments

Proposed amendments to the regulations to include certain provisions under section 613A of the Internal Revenue Code of 1954 (relating to limitations on percentage depletion in the case of oil and gas wells) appear in the FEDERAL REGISTER for Friday, October 17, 1975 (40 FR 48691).

Written comments or suggestions pertaining to the proposed amendments were required to be submitted by November 17, 1975. The time for submission of written comments pertaining to the proposed regulations is hereby extended to December 17, 1975.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-31164 Filed 11-14-75;9:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Onion Committee to spend not more than $87,783 for its operations during the fiscal period ending July 31, 1976, and to collect one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 28, 1975. All written submissions made pursuant to this notice

will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 959.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $87,783.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1976, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: November 11, 1975.

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

[FR Doc.75-30894 Filed 11-14-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORT

Proposed Revision of Animal Export Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of March 4, 1907, as amended, the Act of August 30, 1890, the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of July 2, 1962, the Act of March 3, 1891, as amended, (21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b;), the Animal and Plant Health Inspection Service is considering revising Part 91, Title 9, Code of Federal Regulations.

Statement of considerations. This revision would add additional health requirements for export cattle, sheep, goats, swine, and horses in order to enable the Service to better determine that they are free of disease and insure that only healthy animals are exported to represent the U.S. livestock industry in foreign countries. Standards for export inspection facilities would be revised and updated to permit careful examination that would better insure that such animals are qualified for export and that they are shipped without exposure to disease and without undue stress.

Additional health requirements for all cattle intended for export, except cattle for slaughter purposes or for export to Canada or Mexico, would require that such cattle be treated for ectoparasites with a duly registered pesticide in accordance with label instructions at least once not less than 10 days nor more than 30 days immediately preceding the date of export.

Space requirements for livestock loaded on ocean vessels would be liberalized based on past study and monitoring of shipments at sea. This change would permit the United States to be competitive with most other exporting nations while maintaining high standards for humane handling of livestock in transit. It would also permit the use of livestock containers aboard "containerized vessels". Space guidelines would be contained in §§ 91.9 (b) and (c).

Special space requirements would be added for animals traveling into or through a tropical area. Such area would be defined as any area situated between the Tropic of Cancer and the Tropic of Capricorn.

Specifications for pipe fittings for pens on ocean vessels would be included in Part 91 because nearly all ocean vessels now use such fittings below deck. The specifications for wooden fittings would be updated for use on deck and, if desired, below deck. In addition, the rate of exchange of air in compartments on ocean vessels below deck would be raised, which is a very necessary measure for the transport of animals into or through tropical zones. Nearly all vessels now fitted for livestock meet or exceed the new requirements for air exchange.

Feed and water would be required to be provided on board the ocean vessel used to export animals that will not arrive in the country of destination within 36 hours and for animals under 30 days of age that will not arrive in the country of destination within 24 hours, under § 91.8. Additionally, it would be required that all animals be allowed at least a 5 hour rest with feed and water available, which may be the same inspection period required under § 91.6(b), before movement to an ocean vessel or aircraft for loading for export. Exceptions to the feed and watering provisions are provided in § 91.6(c).

Export inspection facilities not located at ports of embarkation would have to be approved by the Deputy Administrator in specific cases for animals to be exported through such ports under § 91.3(b).

Standards for approved export inspection facilities would be added in new § 91.3(c). Export inspection facilities approved in § 91.3(a) or specifically approved in special cases under § 91.3(b) would have to be in compliance with the standards contained in § 91.3(c).

Other changes in this revision would clarify and update the regulations.

The proposed revision of 9 CFR Part 91 is set out to read as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Sec.

91.1 Definitions.
91.2 Animals to be handled in compliance with regulations.
91.3 Ports of embarkation and export inspection facilities.
91.4 General export requirements.
91.5 Specific export requirements.
91.6 Inspection of animals for export.
91.7 Certification of animals for export.
91.8 Accommodations for humane treatment of animals on ocean vessels.
91.9 Space requirements for animals on ocean vessels.
91.10 Inspection of ocean vessels prior to loading.
91.11 General construction.
91.12 Protection from heat of boilers and engines.
91.13 Ventilation.
91.14 Attendants.
91.15 Alleyways.
91.16 Lading ramps and doors.
91.17 Defective fittings.
91.18 Concrete flooring.
91.19 Troughs and hayracks.
91.20 Hatches.
91.21 Stanchions and rails.
91.22 Gate hardware.
91.23 Upper deck fittings.
91.24 Wooden stanchions.
91.25 Beams.
91.26 Roofs.
91.27 Wooden flooring.
91.28 Wooden footlocks.
91.29 Outside planking.
91.30 Breast, front, and foot boards.
91.31 Rump boards.
91.32 Division boards.
91.33 Cleaning and disinfection of transport carriers for export.

AUTHORITY: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b.

§ 91.1 Definitions.

Whenever in the regulations in this part the following terms are used, they shall be construed as follows:

(a) *Department.* The United States Department of Agriculture.

(b) *Veterinary Services.* Veterinary Services, Animal and Plant Health Inspection Service of the Department.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, or any other official of Veterinary Services to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Inspector.* An inspector of Veterinary Services.

(e) *Animals.* Horses, cattle (including American bison), sheep, swine, and goats.

(f) *Horses.* Horses, mules and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Official vaccinate.* A female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in the Uniform Methods and

Rules,[1] Chapter 1, Parts I–H, I, and J.

(i) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(j) *Premises of origin.* The farm or other premises where the animals intended for export are being raised or assembled, or both, immediately before movement for export.

(k) *State of origin.* The State in which the premises of origin is located.

(l) *Origin Health Certificate.* An official document issued by an inspector or an accredited veterinarian in the State of origin of the export shipment.

§ 91.2 Animals to be handled in compliance with regulations.

No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions in this part.

§ 91.3 Ports of embarkation and export inspection facilities.

(a) The following ports which have export inspection facilities which satisfy the requirements of paragraph (c) of this section are hereby designated as ports of embarkation. All animals shall be exported through said ports or through ports designated in special cases under paragraph (b) of this section:

(1) *Airports.* (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, Tampa and St. Petersburg, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; San Francisco, California; Moses Lake, Washington; and Honolulu, Hawaii.

(ii) New York, New York and San Juan, Puerto Rico; Facilities are available only for certain species of animals.[2]

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Brownsville and Houston, Texas; San Francisco, California; and Honolulu, Hawaii.

(ii) New York, New York and San Juan, Puerto Rico; Facilities are available only for certain species of animals.[2]

(3) *Mexican border ports.* Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas and Nogales, Arizona; and Calexico and San Ysidro, California.

(4) *Canadian border ports.* All ports along the United States-Canadian land border at which the Health of Animals Branch of the Canadian Department of Agriculture maintains veterinary inspection service.[3]

(b) In special cases, other ports or inspection facilities may be designated by the Deputy Administrator, with the concurrence of the Bureau of Customs. Such ports or inspection facilities shall be designated only if the inspection facilities are approved as meeting the requirements of paragraph (c) of this section.

(c) *Standards for export inspection facilities.* Inspection facilities located at ports of embarkation designated under paragraph (a) of this section, and inspection facilities designated in special cases under paragraph (b) of this section, shall meet the following requirements:

(1) *Materials.* Floors of pens, alleys, and chutes shall be made of impervious materials and finished so as to be skid-resistant. Impervious floors are those constructed of a material that resists the absorption of fluids. Such materials include concrete, asphalt, brick, metal, or other synthetic material that may be cleaned and disinfected. Fences, gates, and other parts of the facility shall be constructed of wood, metal, or other material that will securely restrain the animals in a safe and humane manner.

(2) *Size.* The facility shall be large enough to accommodate all the animals in a single export shipment at one time. Space shall be provided at the approximate rate of 35 square feet for each 1,000 pound animal and graduated up or down at the same ratio as the size of the animals.

(3) *Inspection implements.* A squeeze chute or similar restraining device and a crowding pen or pens shall be available for individual animal inspection and identification. The facility shall have a roof over at least three-fourths of the pens and alleys in order to protect the animals from inclement weather. Pens or yards shall be provided for appropriate segregation, treatment, or both, of animals of questionable health status apart from animals qualified for exportation under this Part.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected with a disinfectant permitted under § 71.10 of this Chapter under the supervision of a Federal inspector prior to entry of each export shipment into the export inspection facility. Personnel tending the animals shall, if they come in contact with animals outside of the facility, be required to change or sanitize their outer clothing and footwear.

(5) *Feed and water.* An ample supply of potable water shall be made available to the animals intended for export, and in cold weather such water shall be kept free of ice. Feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Access; approval of arrangements.* Access to all parts of the facility shall be allowed to a Veterinary Services inspector at all times, day or night, and the arrangement for handling the animals shall be subject to the approval of the inspector. Approval shall be granted by the inspector if he finds that such arrangements will not permit the dissemination of communicable diseases of livestock to the animals in the export shipment.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be performed by an accredited Veterinarian under the supervision of a Veterinary Services veterinarian. Tests related to Veterinary Services animal disease programs shall be performed in laboratories approved by the Deputy Administrator.[4]

(8) *Location.* The arrangement and location of the facilities shall provide for the isolation of all animals in the facility from contact with any other animals. Isolation of separate export shipments in the facility shall be at the discretion of the Veterinary Services inspector.

(9) *Disposal of animal wastes.* The application for approval of an export inspection facility shall be accompanied by a certification from the authorities having jurisdiction over environmental affairs in the locality of the facility stating that the facility complies with the applicable State and local regulations or ordinances and the requirements, if any, of the United States Environmental Protection Agency, regarding disposal of animal wastes.

(10) *Lighting.* The facility shall be equipped with artificial lighting to provide not less than 70 foot candle power in the inspection area and not less than 40 foot candle power in the remainder of the facility.

(11) *Office and rest room.* A suitable office and adequate rest room facilities shall be provided at the export inspection facility site for use of the inspectors.

(d) *Approval and denial, revocation, or suspension of approval.* Approval of each export inspection facility for designation under paragraph (a) of this section and in special cases under paragraph (b) of this section shall be obtained from the Deputy Administrator. Approval of an export inspection facility under paragraph (a) or (b) of this section will be denied or revoked for failure to meet the standards in this paragraph (c) of this section. A written notice at least 60 days prior to the date of any proposed revocation and a written notice of any proposed denial shall be given to the operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned. Pending a final determination, approval of any facility may be denied or suspended by the Deputy Administrator when he has reason to believe that the facility does not meet such standards. Approval of a port of embarkation in

[1] Copies of the January 1975 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91–1) which were incorporated by reference in the revision of 9 CFR Part 78, published on April 22, 1975, (40 FR 17816–17822), are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782.

[2] Further information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland 20782.

[3] Further information may be obtained from the Veterinary Director General, Health of Animals Branch, Department of Agriculture, Ottawa, Ontario, Canada.

[4] Information regarding the procedure for obtaining approval and the identity of approved laboratories may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

connection with the designation of an export inspection facility in a special case shall be limited to the special case for which the designation was made.

§ 91.4 General export requirements.

(a) All animals intended for exportation to a foreign country shall be accompanied from the State of origin of the export movement to the port of embarkation by an origin health certificate certifying that the animals were inspected within the 30 days prior to the date of the movement of the animals for export, and were found to be sound, healthy, and free from evidence of communicable disease and exposure thereto. Such certificates shall be endorsed by an authorized Veterinary Services veterinarian in the State of origin. The certificates shall individually identify the animals in the shipment as to species, breed, sex, and age, and if applicable, shall also show registration name and number, tattoo markings, or other natural or acquired markings.

(b) *Inspection.* All animals in each export shipment shall have been inspected, tested, or treated in the manner prescribed in this Part prior to the movement of the export shipment to the export inspection facility except that the Deputy Administrator may, upon request of the appropriate animal health official of the country of destination, waive the tuberculosis and brucellosis tests referred to in §§ 91.5(a)(1) and (2), 91.5(b)(5), 91.5(c) (1) and (2) when he finds such tests are not necessary to prevent the exportation of diseased livestock from the United States.

(c) *Testing.* All samples for tests required by § 91.5 for exportation of animals under this section shall be taken by an inspector or an accredited veterinarian in the State of origin of the export movement. Such samples shall be taken and tests made within the 30 days prior to the date of movement of the animals for export from the premises of origin, except that the Deputy Administrator may permit such sampling or tests to be made more than 30 days prior to the date of export, if required by the receiving country and the tuberculin test may be conducted within the 90 days prior to the date of the movement of the animals for export. Such tests shall be conducted in a laboratory approved for that purpose by the Deputy Administrator.[4]

(d) *Movement in cleaned and disinfected carriers or containers.* The origin health certificate accompanying livestock from the premises of origin to the port of embarkation shall be accompanied by a statement from the issuing accredited veterinarian or inspector that the means of conveyance or container has been cleaned and disinfected since last used for animals with a disinfectant approved under § 71.10 of this Chapter, prior to loading, or that the carrier or container has not previously been used in transporting livestock.

(e) *Clean and disinfected facilities required for feeding, watering, and/or rest stops.* Animals unloaded en route to the port of embarkation, for feed, water, and/or rest, shall be unloaded only into a facility which shall have been cleaned and disinfected with a disinfectant approved under § 71.10 of this Chapter, under the supervision of an inspector or an accredited veterinarian prior to such unloading. A statement certifying to such action shall be attached to the origin health certificate by the supervising inspector or accredited veterinarian.

§ 91.5 Specific export requirements.

(a) *Cattle.* In order to be eligible for export, cattle shall be tested with results as specified in this section and the origin health certificate shall specify the type of tests conducted, the dates of the tests, and the results of the tests.

(1) *Tuberculosis.* All cattle over one month of age shall be negative to an intradermal tuberculin test using .1cc of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 "Instructions and Procedures for Conducting Tuberculin Tests in Cattle," section VIII A.[5]

(2) *Brucellosis.* All female cattle over six months of age shall be negative to a plate or a tube agglutination test for brucellosis conducted as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis"[5] in a laboratory approved by the Deputy Administrator;[4] Except, That such tests are not required for official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age. However, all females in the third trimester of pregnancy and post-parturient females shall be negative to the brucellosis test.

(3) *Anaplasmosis.* All cattle shall be negative to a complement-fixation test for anaplasmosis as prescribed in "The 1973 Proceedings of the 77th Annual Meeting of the United States Animal Health Association: A Microtiter Techniques for the Complement-Fixation Test for Anaplasmosis."[5]

(4) *Leptospirosis.* All cattle shall be negative to a serum agglutination-lysis test at a dilution of 1:1,000 for *Leptospira pomona, L. grippotyphosa,* and *L. hardjo,* as prescribed in the "Proceedings of te Sixty-Third Annual Meeting of the United States Livestock Sanitary Association: Report of Committee on Leptospirosis."[5]

(5) *Other diagnostic tests.* All other diagnostic tests required by the country of destination shall be conducted on a reimbursable basis by Veterinary Services or by an accredited veterinarian under the provisions in Part 156 of this Chapter.

(6) *Treatment for Ectoparasites.* All cattle, except those found free of ectoparasites or those intended for exportation to Canada or Mexico, or for slaughter purposes to any foreign country, shall be treated at least once for ectoparasites not less than 10 days or more than 30 days immediately preceding the date of export. Such treatment shall be made using Co-Ral® (coumaphos) Animal Insecticide, 25 percent wettable powder at 12 to 16 pounds per 100 gallons of water, applied as a high-pressure spray or as a dip at a rate of not more than 8 pounds of 25 percent Co-Ral® wettable powder per 100 gallons of water, or Co-Ral® (coumaphos) Emulsifiable Livestock Insecticide may be used only as a spray at the rate of 12 quarts per 100 gallons of water applied as a high-pressure spray. (250 to 350 pounds per square inch is recommended for a high-pressure spray.) Treatment shall be personally supervised and certified on the origin health certificate by an accredited veterinarian who shall be ready to apply an antidote if adverse side effects occur following treatment.

All other treatments required by the country of destination shall be performed on a reimbursable basis by Veterinary Services or by an accredited veterinarian, under the provisions in Part 156 of this Chapter.

(b) *Sheep and goats.* (1) In order to be eligible for export, sheep and goats shall be tested with results as specified in this section and the origin health certificate for such animals shall specify the type of tests conducted, the date of the tests, and the results of the tests.

(i) Sheep and goats shall be negative to a complement-fixation test for bluetongue, as prescribed in "Modified Direct Bluetongue Complement-Fixation Test."[5]

(ii) Rams and bucks shall be negative to a complement-fixation test for epididymitis as prescribed in "A Complement-Fixation Test for the Diagnosis of *Brucella Ovis* Infection in Sheep"[5] and shall be free of clinical evidence of epididymitis as determined by two manual examinations conducted at not less than two week intervals during the 30 days prior to exportation.

(iii) Goats shall be negative to a plate or tube agglutination test for brucellosis as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis" and intradermal tuberculin test as prescribed in Veterinary Services Memorandum 552.15.[5]

(2) No sheep or goat shall be exported if it is affected with or exposed to scrapie, or originated from, or has been on, any premises which then were infected or source flock premises,[6] or if it is the progency, sire or dam, or a full or half brother or sister of any animal found to be affected with scrapie, or was moved from premises located in an area quarantined for scrapie.

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[5] Copies of this publication may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

[6] Infected premises are those on which an animal has been found to be infected with scarpie. Source flock premises are those from which an animal which has been found to be affected with scrapie was moved within 18 months prior to showing signs of scrapie.

(3) Sheep and goats exported for immediate slaughter need not comply with the requirements of subparagraphs (1) and (2).

(4) All sheep and goats intended for export shall be identified by eartags or tattoos approved by the Deputy Administrator,[1] except that sheep or goats for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

(c) *Swine.* No swine shall be exported if they were fed garbage at any time. All swine intended for export shall be moved only from a hog cholera free State designated in § 76.2(g) of this Chapter and shall originate in a herd in such a State where transmissible gastroenteritis has not been known to exist for at least 12 months before their exportation. The swine shall be accompanied by a certification from the owner stating that they were not fed garbage, that they originated in such a herd, and that no additions to the herd were made within the 30 days immediately preceding the export shipment. All swine, except those for export to Canada or Mexico for immediate slaughter, shall be tested for, and show negative test results to:

(1) Brucellosis, by serum-agglutination tube test a 1:100 dilution as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis."[2]

(2) Tuberculosis, using intradermal mammalian tuberculin as prescribed in ANH Memorandum 552.16 Instructions and Procedures for Tuberculin Test Swine and Poultry.

(d) *Horses.* All horses, except those exported for immediate slaughter to Canada or Mexico, shall be tested and found negative to the agar gel immunodiffusion test for equine infectious anemia as prescribed in the "Protocol for the Immunodiffusion (Coggins) Test for Equine Infectious Anemia"[2] and the complement-fixation test for equine piroplasmosis, as prescribed in the "Protocol for the Complement-Fixation Test for Equine Piroplasmosis."

§ 91.6 Inspection of animals for export.

(a) Except as provided in paragraph (d) of this section, all animals offered for exportation to any foreign country, shall be inspected by a Veterinary Services veterinarian at an export inspection facility at a port designated in § 91.3(a), or at a port or inspection facility designated by the Deputy Administrator in a special case under § 91.3(b).

(b) Such animals shall be held for a period of not less than 5 hours at the port of embarkation or export inspection facility during which time the animals shall be given a careful visual health inspection. Sorting, grouping, identification, or other handling of the animals by the exporter may be made before or after this period of time. If individual clinical inspection of an animal is deemed necessary by a Veterinary Services veterinarian for the purpose of determining its health status, such inspection may be made during this period of time or thereafter.

(c) *Feed and water.* All animals shall be allowed a period of at least 5 hours for rest at the export inspection facility, with adequate feed and water available, before movement to an ocean vessel or aircraft for loading for export. (This may be the same period required by paragraph (b) of this section for health inspection). However, feed and water will not be required if the animals were transported to the export inspection facility in a carrier in which adequate feed and water were provided if sufficient evidence is presented to a Veterinary Services veterinarian that the animals, if under 30 days of age, will arrive in the country of destination within 24 hours after they were last fed and watered, in the United States, or in the case of other animals, within 36 hours after they were last fed and watered in the United States.

(d) The requirements in paragraphs (a) and (b) of this section shall not apply in the case of animals offered for exportation to Canada through ports along the United States-Canada land border designated in § 91.3(a)(4) or for exportation to Mexico through ports along the United States-Mexico land border designated in § 91.3(a)(3) if the animals are accompanied by an origin health certificate issued and endorsed in accordance with the requirements of § 91.4(a).

§ 91.7 Certification of animals for export.

If, upon inspection by a Veterinary Services veterinarian at the export inspection facility, the animals offered for export are found to be sound, healthy, and free from evidence of communicable disease or exposure thereto, an export certificate, VS Form 17-37, shall be issued by said Veterinary Services veterinarian and shall contain a statement to that effect.

§ 91.8 Accommodations for humane treatment of animals on ocean vessels.

The owner or operator of an ocean vessel carrying animals from the United States to a foreign country shall provide, for such animals, feed and water, space, ventilation, fittings, and other facilities aboard the carrier as set forth in this Part. For animals embarked for a voyage which will be of more than 36 hours duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodations shall be provided on board for storage and distribution of the water and feed. The feed shall not be exposed to the weather at sea. However, such feed and water shall not be required if it is estimated by the Veterinary Services veterinarian that the animals, if under 30 days of age will arrive in the country of destination within 24 hours after they were last fed and watered in the United States, or, in the case of other animals, within 36 hours after they were last fed and watered in the United States. Owners, masters or operators of such vessels shall not accept for transportation, any animal that in the judgment of the Veterinary Services veterinarian is in an unfit condition to withstand the rigors of such transportation. Further, no animal intended for export shall be placed aboard any ocean vessel, unless in the opinion of the inspector the loading arrangements, fittings, ventilation systems and the arrangements provided by the vessel for their use reasonably assure arrival of a viable animal in the country of destination. Halters, ropes, or other suitable equipment provided for the handling and tying of horses shall be found to be satisfactory by the Veterinary Services veterinarian to assure humane treatment of the animals.

§ 91.9 Space requirements for animals on ocean vessels.

(a) *General requirements.* A general space requirement for any individual animal in stalls or crates on ocean vessels shall be six inches more in height, depth, and width than the measurements of the animal concerned. The number of animals in each stall, pen or other container, the cubic inches of air available for each animal, and the ventilation capability of the transporting carrier are other criteria used to determine final space requirements for each animal. Guidelines of space requirements for storage of animals in pens are listed in paragraphs (b) and (c) of this section. Final determination of space needed and manner of loading of animals for export shipment will be made by the inspector or the Veterinary Services veterinarian at the port of embarkation, based upon the size and type of animals presented, weather, destination, route, and means of transportation employed for the export shipment.

(b) *Space guidelines.*

Animal weight, pounds:	*Space (sq. ft.) allowed per animal, Sea*
100	4.0
150	5.0
200	6.0
250	6.9
300	7.9
350	8.9
400	9.9
450	10.9
500	11.8
550	12.5
600	13.2
650	13.9
700	14.6
750	15.3
800	15.9
850	16.6
900	17.3
950	17.8
1,000	18.4
1,050	18.9
1,100	19.4

[1] Information concerning eartags or tattoos approved by the Deputy Administrator may be obtained, upon request, from the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland 20782.

Animal weight, pounds:	Space (sq. ft.) allowed per animal, Sea
1,150	19.9
1,200	20.4
1,250	21.0
1,300	21.5
1,350	22.0
1,400	22.7
1,450	23.3
1,500	24.0
1,550	24.6
1,600	25.3
1,650	25.9
1,700	26.6
1,750	27.2
1,800	27.8

(c) *Space guidelines for containers.* Containers used aboard containerized ocean vessels measure 8 feet in width outside, but vary from 7 feet 3 inches to 7 feet 9 inches in width inside and from 17 feet to 40 feet in length. For such containers the space requirements and minimum pen widths shown in the following charts shall be used whenever the length of the animal exceeds the width of the container. For ready measurement of dairy cattle only, the disance from the withers to the pin bone multiplied by 1.65 gives the approximate total length. Length of other cattle and large animals will require measurement of their total length. Other animals larger than those shown in the following charts shall be stowed subject to the approval of the inspector or the Veterinary Services veterinarian at the port of embarkation. Maximum inside length of container pens shall be 12 feet 9 inches.

Weight	Square feet per head	3 head		4 head	
		Square feet	Width	Square feet	Width
Containers 7 feet 9 inchs in width					
800	18.5			74.0	9 ft 7 in
850	19.5			78.0	10 ft 1 in
900	20.4	61.2	7 ft 11 in	81.6	10 ft 6 in
950	21.4	64.2	8 ft 4 in	85.6	11 ft 1 in
1,000	22.4	67.5	8 ft 9 in	90.6	11 ft 7 in
1,050	23.4	70.2	9 ft 1 in	93.6	12 ft 1 in
1,100	24.5	73.5	9 ft 6 in	98.0	12 ft 8 in
1,150	25.5	76.2	9 ft 10 in		
1,200	26.5	79.5	10 ft 3 in		
1,250	27.4	82.2	10 ft 6 in		
1,300	28.4	85.2	11 ft		
1,350	29.6	88.8	11 ft 6 in		
1,400	30.8	92.4	12 ft		
1,450	31.9	95.7	12 ft 4 in		
1,500	32.9	98.7	12 ft 9 in		
Containers 7 feet 3 inches in width					
700	16.3			65.2	9 ft
750	17.5	52.2	7 ft 3 in	70.1	9 ft 8 in
800	18.9	56.7	7 ft 9 in	75.5	10 ft 5 in
850	20.1	60.3	8 ft 3 in	80.4	11 ft 1 in
900	21.3	63.9	8 ft 9 in	85.2	11 ft 9 in
950	22.3	66.9	9 ft 2 in	89.2	12 ft 4 in
1,000	23.7	71.1	9 ft 8 in		
1,050	24.8	74.1	10 ft 1 in		
1,100	26.0	78.0	10 ft 9 in		
1,150	27.1	81.3	11 ft 3 in		
1,200	28.4	85.5	11 ft 10 in		
1,250	29.6	88.8	12 ft 3 in		
1,300	30.9	92.7	12 ft 9 in		

(d) *Special requirements.* If an animal to be loaded on an ocean vessel is in the third trimester of pregnancy or the route of the carrier will be into or through a tropical area,* the space required for each animal shall be increased by 10 percent. If the animal to be exported is in the third trimester of pregnancy and the route of the vessel will be into or through such area, the space required for such animal shall be increased by 20 percent. (See also paragraph (g) of this section.) In addition, hospital pens measuring not less than 3 feet by 8 feet for each animal shall be provided at the rate of 3 such pens for each 100 head loaded, except as provided for horses in paragraph (e) of this section.

(e) *Size of stalls or pens for horses on ocean vessels.* Space for horses in pens on ocean vessels shall not be less than 6 feet 6 inches from roof or beams overhead to floor underfoot. Space containing up to 120 square feet may be used for stowage of horses and shall be at laest 8 feet but not more than 9 feet in width (thwartship) except that upon approval of the inspector or the Veterinary Services veterinarian at the port of embarkation, pens 7 feet wide may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Mares in foal shall be shipped only in separate stalls which shall be not less than 8 feet long by 3 feet wide and for mares due to foal en route and for stallions, stalls shall not be less than 8 feet long by 5 feet wide and shall be readily accessible to ship personnel. Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any horses that become sick or disabled aboard ship. The number of such stalls shall be as follows: one for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(f) (1) Except as provided in paragraph (c) of this section, space in pens on ocean vessels for cattle weighing 1000 pounds or more shall be no less than 8 feet nor more than 9 feet in width and and 6 feet 3 inches from roof or beams overhead to flooring underfoot, except that when floors are raised over pipes and similar obstructions, a height of not less than 6 feet may be permitted at the discretion of the inspector. Pens for cattle shall not exceed 120 square feet. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, 20 percent more space for each animal shall be required.

(2) Single stalls in ocean vessels for cattle weighing 1,000 pounds or more shall be not less than 8 feet in length by 3 feet in width.

(3) Calves and yearlings may be stowed in pens or stalls at the discretion of the inspector or the Veterinary Services veterinarian at the port of embarkation.

(g) *Space for sheep, goats, and swine on ocean vessels.* Space for sheep, goats, and swine on ocean vessels shall not be less than 3 feet in height and the length and width of pens shall not exceed 15 x 8 feet. An increase of 50 percent square footage shall be required for animals in the third trimester of pregnancy, notwithstanding other provisions in paragraph (d) of this section.

*The area situated between the Tropic of Cancer and the Tropic of Capricorn.

§ 91.10 Inspection of ocean vessels prior to loading.

It shall be the responsibility of the owners or the masters of an ocean vessel intended for use in exporting livestock to present the vessel to an inspector of Veterinary Services at a United States port of embarkation or at the discretion of the Deputy Administrator, upon request of the exporter, transporting company, or their agent, at a foreign port, for an inspection to determine if the fittings aboard the vessel are in compliance with the provisions of this Part. A notarized statement from an engineering concern shall be required to certify to the rate of air exchange in each compartment. Such notarized statement shall be required upon first use of such vessel; *Provided*, That such notarized statement may again be required by the Deputy Administrator if substantive changes in fittings aboard the vessel have been made since the vessel was last certified.

§ 91.11 General construction.

A variety of construction materials such as wood, metal plate, or pipe may be used for stalls, crates, or pens aboard ocean vessels. Pipe fittings have the advantage of smooth surfaces, easy maintenance, long range economy and spaces between pipe rails to allow for feeding, watering, cleaning and better ventilation. Material used for stalls, crates, or pens shall be properly formed, closely fitted, and rigidly secured in place. Special care shall be taken to design and finish all edges, welds, and hardware that are accessible to animals. A combination of wood and steel pipe or other steel profile construction may be accepted if the construction complies with the regulations in this Part. Where the sides of pens are adjacent to the ship's sides which have steel casing, frames, stays or similar fittings, the carrier shall cover these profiles with wooden battens of at least 2 inch thick lumber or plywood of similar strength to prevent animals from injury.

§ 91.12 Protection from heat of boilers and engines.

No animals shall be stowed along the alleyways leading to the engine or boiler rooms unless the sides of said engine or boiler rooms are covered by a tongue and groove tight sheathing producing a 3 inch wide air space, except that on ships powered with internal combustion engines this sheathing may not be required at the discretion of the inspector.

§ 91.13 Ventilation.

Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped with a system of mechanical ventilation

that will furnish a complete change of air in each compartment every 2 minutes when deck height* is less than 8 feet and every 2½ minutes when the deck height* exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area.

§ 91.14 Attendants.

It shall be the responsibility of the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of the kind/kinds of livestock to be carried, and a sufficient number of attendants, satisfactory to the inspector or the Veterinary Services veterinarian at the port of embarkation to insure proper care of the animals.

§ 91.15 Alleyways.

Alleyways running fore and aft on the ocean vessel that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet. However, for a distance not to exceed 8 feet at the end of alleyways in the bow and stern of ship, and where obstructions of less than 3 feet in length occur, the width may be reduced to a minimum of 24 inches. A sufficient number of athwartship alleyways at least 24 inches in width shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft. However, on exposed decks where scuppers and the end of fore and aft alleyways are readily accessible, athwartship alleyways are not required and if the alleyways are to be used for feeding or watering livestock, but not for loading or unloading of livestock, such alleyways shall have a minimum width of 28 inches.

§ 91.16 Loading ramps and doors.

Ramps connecting one deck of a ship to another shall have a clear width of 3 feet and a clear height of not less than 6 feet 6 inches. The incline of the ramps shall not exceed 1:2 (26½°) between the ramps and the horizontal plane. The ramps shall be fitted with footlocks of approximately 2" x 2" lumber and spaced no more than one foot apart. The ramps shall have side fencing not less than 5 feet in height. Side doors in ship's shell plating through which livestock are to be loaded shall have a height of not less than 6 feet for cattle and 6 feet 6 inches for horses.

§ 91.17 Defective fittings.

If previously used fittings aboard an ocean vessel are employed, any portion thereof found by the inspector to be worn, decayed, unsound, or otherwise defective shall be replaced.

* Deck height is the height from the ceiling to the floor.

§ 91.18 Concrete flooring.

Pens aboard an ocean vessel shall have a 3 inch concrete pavement, proportioned and mixed to give 2000 psi. compressive strength in 28 days. The pavement shall have a broom or rough finish. Steel angle bars may be used for footlocks if they are mounted into the flooring in such a way that, at the same time, the bars serve as gutterways. The angle bars shall not be less than 2 inches by 2 inches and 5/16th inches in thickness, and space on 12 inch centers running fore and aft on the vessel.

§ 91.19 Troughs and hayracks.

All stalls and pens aboard an ocean vessel shall be equipped with proper troughs for feeding and watering animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector. The feeding of hay to the animals on ocean vessels may be by means of dispensing the hay from racks or nets or by placing the hay on the floor of the pens in which the animals are confined.

(a) *Horses and cattle.* Troughs may be constructed of metal or wood and may be either removable or fixed. The space between the first footlock and the footboard may be utilized for feeding cattle, provided a 2" x 4" piece of lumber is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. If wooden troughs are used for feeding, an adequate supply of buckets or other metal containers shall be provided for the proper watering of the animals.

(b) *Sheeps, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and shall be equipped with proper receptacles for watering. Pens for sheep and goats shall also have ample hayracks suitable for these animals.

§ 91.20 Hatches.

(a) Animals may be placed on hatches on exposed decks on an ocean vessel if the pens or stalls are securely lashed down.

(b) Animals may be placed on hatches on underdecks on an ocean vessel provided the height requirements of § 91.9 (e) and (f) are met and sufficient space shall be left clear on such hatches for passageway across ship.

(c) On all hatches on which animals are carried and under which hay and feed or animals are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed and animal carcasses. Such hatches shall be watertight.

§ 91.21 Stanchions and rails.

(a) Pipes used for stanchions and rails for pens aboard an ocean vessel shall be made of zinc coated, galvanized, extra strong, medium carbon steel. Steel pipes or other steel profiles shall consist of not less than 4 pipes or profiles, the upper one to have a 3 inch diameter and the others a diameter of not less than 2½ inches. Stanchions shall not be of less than 3½ inches diameter; shall not be of of less than 5/16th inch thickness and shall not be placed more than 8 feet apart center to center.

(b) Threaded pipe connections shall not be used. All parts shall be cut from factory fabricated, seamless pipe.

(c) Bolt and pin holes shall not be drilled to more than 1/32 inch oversize. Holes shall be properly located and centered on pipe.

(d) Pipe shall not be deformed or weakened by welding such items as reinforcing rods or hinges thereto. Welding shall be used for such attachment to be exposed in the finished work. Pins, plates, and parts other than pipe shall be made of galvanized steel. All areas where the galvanizing of the steel has eroded or has been damaged shall be finished with a rust preventative.

(e) Pipe rails shall be placed in proper alignment with tops of all gates at the same height.

§ 91.22 Gate hardware.

All gates of animal pens aboard an ocean vessel shall have smooth finished surfaces and the pivot-pins shall have a minimum diameter of ¾ inch.

§ 91.23 Upper deck fittings.

Animals may be carried on upper decks of an ocean vessel in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

§ 91.24 Wooden stanchions.

(a) *Cattle and horses.* Rail stanchions for pens aboard an ocean vessel for cattle or horses shall be constructed of not less than 4" x 6" lumber set 5 feet apart on centers secured to the ship's rail or bulwark with ⅝th inch or larger bolts or collars and with heels braced to the sheer streak or waterway. Inboard stanchions of 4" x 6" lumber shall be set in line with the rail stanchions and properly braced; *Provided, however,* That the method of securing and bracing of stanchions may be modified as approved by the underwriter or the cargo bureau, and the inspector. Information concerning the modifications shall be made available to Veterinary Services, at its request. On open rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall not be less than 3" x 4" in size and shall be secured to beams and decks as outlined above. On upper deck fittings at ends of unprotected stalls, a stanchion not less than 3" x 4" in size shall be similarly spaced and secured to beams and decks and properly braced. Stanchions on underdecks shall

be constructed, spaced, and secured in the same manner as upper deck fittings.

(b) *Sheep, goats, and swine.* Stanchions for single or double tier pens for sheep, goats, and swine shall be constructed of not less than 3" x 4" lumber set at no greater distance than 5 feet on centers and secured as outlined in paragraph (a) of this section.

§ 91.25 Beams.

For all animals, two beams of 2" x 6" lumber shall be bolted on each side of the stanchions using 5/8th inch bolts, nuts, and washers. Beams shall extend from outside planking to at least 2 feet beyond the line of the breast boards unless the beams butt on the ships's deck fittings. Two beams of 2" x 6" lumber shall be used to support the roof of single tier pens on exposed decks and the floor of double tier pens on all decks.

§ 91.26 Roofs.

All pens for carrying animals on exposed decks aboard an ocean vessel shall be roofed with not less than 1 inch thick, watertight lumber extending from outside planking to at least 2 feet beyond the line of breast boards; *Provided*, That, if tongue and grooved lumber is used, it must be caulked or covered so that it is water tight, or if square edged lumber is used it shall be covered with a saturated roofing paper known to the trade as 30 pound roofing paper and shall be securely battened.

§ 91.27 Wooden flooring.

(a) *Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2" x 2" strip nailed along these boards. Floors may be either of two types, flush or raised. The flush type shall be constructed of not less than 1" thick lumber laid flat on the deck. The raised type shall be constructed of not less than 2" thick lumber nailed to scantlings of at least 2" x 3" dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the decks. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden flooring if the footlocks are molded in the same and bolted to the deck.

(b) *Sheep, goats, and swine.* Flooring for sheep, goats, and swine shall be the same as prescribed in this section for horses and cattle, except that the raised flooring need not be greater than 1 inch in thickness.

(c) *Drainage.* Provisions shall be made for drainage of urine and surface water from all parts of the vessel used for carriage of animals including sufficient scuppers. A walkway shall provide easy access to the scuppers.

§ 91.28 Wooden footlocks.

(a) *Horses and cattle.* In pens for horses or cattle, there shall be four footlocks of 1" x 4" lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of the footboard. Additional footlocks shall be added at 14 inch intervals in pens having a depth of 9 feet or more. They shall be well secured with nails of a length that will permit 1 inch clinch in 1 inch flooring and 2 inch penetration in 2 inch flooring.

(b) *Sheep, goats, and swine.* Footlocks in pens for sheep, goats, and swine shall be of not less than 1" x 2" lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (a) of this section for horses and cattle.

§ 91.29 Outside planking.

All pens for carrying animals on exposed decks shall be provided with outside planking of not less than 1½ inch tongue and groove lumber laid fore and aft of ship, driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly; However, during warm weather the top course planking may be left off in order to allow a free circulation of air. On vessels with closed bulwarks, the outside planking shall extend not less than 6 inches below the upper edge of the bulwark.

§ 91.30 Breast, front, and foot boards.

(a) *Horses.* All stalls and pens for horses shall be equipped with breast boards of no less than 2" x 10" dressed lumber with the top edge placed 3 feet 10 inches from the floor and securely nailed to the stanchions. Where butting occurs, the joints are to be on the stanchions and shall be covered with metal plates 3 inches square or 5 inches in diameter and not less than ¼ inch in thickness. A ⅝th inch bolt shall then be passed through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1 inch holes bored through them at proper distances for tying animals. An occasional pen shall be provided with a removable breast board in order that animals may be loaded into and removed from the stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2" x 10" lumber securely nailed or bolted to the stanchions. At the discretion of the inspector, small ponies, asses, small mules, mares with foal at foot, young unbroken horses or gentle horses of any size may be stowed loose in pens. In these cases, a sufficient number of finished 2" x 10" lumber shall be placed between the breast and foot boards to effectively contain the animals.

(b) *Cattle.* All stalls and pens for cattle shall be provided with boards as required for horses in paragraph (a) of this section, except that the front or breast boards shall be constructed in sets of three or more boards of 2" x 10" dressed lumber separated by 3 inch spacers and placed on the foot board so that the front of the pen extends 48 inches or more in height from the floor. One or more of the breast boards may be left off if feed or water troughs are to be mounted externally.

(c) *Sheep, goats, and swine.* Front boards in pens for sheep, goats and swine shall be of not less than 1" x 6" pieces of lumber approximately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals into pens or removal therefrom and for feeding or watering.

§ 91.31 Rump boards.

(a) *Horses and cattle.* Rump boards in pens for horses or cattle shall form a solid wall at least 4 feet high for cattle and 4 feet 6 inches high for horses and shall be of lumber not less than 1½ inches thick if tongued and grooved or 2 inches thick if square edged or of plywood of the same strength. Where the deck is clear of obstructions, rump boards may be set on the inside of the rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall be fastened to stanchions provided for this purpose. On lower decks, where the ship's construction so justifies, rump boards may be affixed to 2" x 6" wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to the coaming line.

(b) *Sheep, goats, and swine.* Pens for sheep, goats, and swine on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

§ 91.32 Division boards.

(a) *Horses and cattle.* Division boards in pens for horses and cattle shall be used to separate all stalls and pens and to close the sides thereof at the ends of rows. They shall be used in sets of four boards of 2" x 10" dressed lumber separated by 3 inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(b) *Sheep, goats, and swine.* Division boards and those forming ends of pens for sheep, goats, and swine shall be the same as prescribed for rump boards for these animals in § 91.31.

§ 91.33 Cleaning and disinfection of transport carriers for export.

All fittings, utensils and equipment, unless new, to be used in the loading, stowing, or other handling of animals aboard vessels under the provisions of this Part, shall first be cleaned and disinfected under the supervision of an inspector before being used for, or in connection with, the transportation of animals from any United States port. Such disinfection of halters, ropes, and similar equipment used in handling and tying of animals shall be by immersion in an approved disinfectant. When the

vessel has last been used to carry livestock to or from a foot-and-mouth disease infected country, the approved disinfectant shall be a 2 percent solution of NAOH (caustic soda) or a 4 percent solution of sodium carbonate (soda ash). For carriers returning from other foreign countries, the approved disinfectant shall be a disinfectant permitted for use under § 71.10, Part 71 of this Chapter.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Room 821-A, Federal Building, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before January 19, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at Room 821-A, Federal Building, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

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

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

[FR Doc.75-30791 Filed 11-14-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Surety Bonds

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1804.4(d)(2)(i)(a) of Subpart A of Part 1804, Chapter XVIII, Title 7 of the Code of Federal Regulations (36 FR 18062). The proposed change would require a surety bond when a construction contract exceeds $60,000 instead of the present $20,000 limit.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed revision on or before December 2, 1975 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. to 4:45 p.m.).

As proposed, § 1804.4(d)(2)(i)(a) reads as follows:

§ 1804.4 Performing development.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(a) The contract exceeds $60,000 unless an exception is made by the National Office.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

(It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: November 10, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-30897 Filed 11-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-34-AD]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Airworthiness Directives

Amendment 39-1762 (38 FR 34989), AD 73-26-6, requires inspections and subsequent rework or replacement of nose landing gear release mechanism torsion shafts on Boeing Model 727 series airplanes which were not plated in a manner to provide adequate corrosion protection during rework.

Recently, a nose landing gear-up incident occurred as a result of a failure of a torsion shaft which had not been previously reworked. As with failures on reworked shafts, the failure in this incident was attributed to stress corrosion. In October 1974, Boeing issued Service Bulletin No. 727-32-223 which outlines instructions for the installation of an improved torsion shaft and lubrication provisions designed to give better performance and corrosion protection, respectively. FAA's review of the service history indicates that the incorporation of this service bulletin or equivalent is needed to prevent further incidents. Actions in accordance with Boeing Service Bulletin Nos. 727-32-203 and 727-32-205, which are specified in AD 73-26-6, are now considered only interim preventive measures. Therefore, the agency is considering superseding Amendment 39-1762 with a new AD that requires an ultrasonic or magnetic particle inspection of all critical areas of all torsion shafts, reworked or nonreworked, until replacement with the new improved shaft and installation of the lubrication provisions are accomplished.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before February 3, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

BOEING: Applies to all Models 727 series airplanes, certificated in all categories, listed in Boeing Service Bulletin No. 727-32-223, or later FAA approved revisions. Compliance required as indicated.

To prevent failure of the nose landing gear release mechanism torsion shaft and a resulting possible gear-up landing, accomplish the following:

A. Within the next 750 landings after the effective date of this AD, unless accomplished within the last 750 landings, and thereafter at intervals not to exceed 1500 landings since the last inspection, inspect the P/N 65-18949-1 shafts, reworked and nonreworked, which have accumulated 8000 or more total landings on or after the effective date of this AD, per paragraph C. below, until the shaft is replaced per paragraph D.

B. Within the next 750 landings after the effective date of this AD, unless accomplished within the last 750 landings, and thereafter at intervals not to exceed 1500 landings since the last inspection, inspect the improved P/N 65-86496-1 shafts on the nose gear assemblies which do not have the lubrication provision per Boeing Service Bulletin No. 727-32-223, or later FAA approved revisions, and which have accumulated 16,000 or more landings on or after the effective date of this AD, per paragraph C. below, until the provisions of paragraph D. are met.

C. Inspect the torsion shaft bearing surface in accordance with the ultrasonic or magnetic particle methods specified in paragraph III of Boeing Service Bulletin No. 727-32-238, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Shafts found cracked must be replaced prior to further flight, per paragraph D or with any one of the following:

1. A P/N 65-18949-1 shaft which has accumulated less than 8000 landings. (Upon accumulation of 8000 landings the inspection requirements of paragraph A above apply); or

2. An uncracked shaft P/N 65-18949-1 which has been reworked in accordance with Boeing Service Bulletin No. 727-32-203, Revision 3, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. These shafts are subject to the provisions of this AD. (This shaft must then be inspected in accordance with paragraph A above); or

3. An uncracked shaft, P/N 65-86496-1, installed per Boeing Service Bulletin No. 727-32-205, or later FAA approved revisions.

(This shaft must then be inspected in accordance with paragraph B above).

D. Installation of a serviceable improved shaft, P/N 65-86496-1, and lubrication provisions in accordance with Boeing Service Bulletin 727-32-223, or later FAA approved revisions, or an equivalent installation approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action from this AD.

E. For the purpose of this AD, when conclusive records are not available to show the number of landings accumulated by a particular shaft, the number of landings may be computed by dividing the airplane time in service since the shaft was installed in the airplane by the operator's fleet average time per flight for his Model 727 airplanes.

This supersedes Amendment 39-1762 (38 FR 34989), AD 73-26-6.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., November 5, 1975.

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

[FR Doc.75-30907 Filed 11-14-75;8:45 am]

[Airspace Docket No. 75-CE-16]

[14 CFR Part 71]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would: (1) Realign V-12 between Columbia, Mo., and Troy, Ill., including an S alternate from Jefferson City, Mo., to Troy, Ill.; (2) realign V-14 between Vichy, Mo., and St. Louis, Mo.; (3) realign V-44 from Centralia, Ill., to the new Foristell VORTAC. Foristell, Mo., VORTAC will be established at Lat. 38°41'40" N., Long. 90°58'16" W.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before December 17, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would: (1) Realign V-12 between Columbia, Mo., and Troy, Ill., via Foristell, Mo., including an S alternate from Jefferson City, to INT Hallsville, Mo., 131°M (125°T) and Columbia 098°M (092°T) radials; (2) realign V-14 between Vichy, Mo., and St. Louis, Mo. via Foristell, Mo., without an N alternate; (3) realign V-44 from Centralia, Ill., to the new VORTAC location at Foristell, Mo.

The Maryland Heights, Mo., VORTAC will become unusable because of adverse effect on signal transmissions. The VORTAC will be relocated 18 miles west of the present location, at geographical coordinates—Lat. 38°41'40" N., Long. 90°58'16" W. The relocating of the VORTAC will affect V-12, V-14, and V-44, therefore necessitating an amendment to FAR 71.123. The VORTAC name at the new site will be Foristell, Mo.

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

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

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

[FR Doc.75-30915 Filed 11-14-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Winchester, Va., transition area (40 FR 616).

In view of the development and implementation of an RNAV Rwy 32 instrument approach procedure for Winchester Municipal Airport, Winchester, Va., an alteration of the transition area is required to provide controlled airspace for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before December 17, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Winchester, Virginia, proposes the airspace action hereinafter set forth.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Winchester, Va. Transition Area by adding the following to the description of the transition area: "within 2.5 miles each side of a 133° bearing from a point 39°08'17" N. 78°08'16" W. extending from said point to 11 miles southeast of said point."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 3, 1975.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.75-30919 Filed 11-14-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-60]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending section 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Albany, N.Y., control zone (40 FR 355, 18977).

A revision of the Radar-1 instrument approach procedure for Albany County Airport requires designation of a small extension to the control zone to provide controlled airspace for aircraft executing an airport surveillance radar (ASR) approach to Runway 10.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before December 17, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Albany, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Albany, N.Y. Control Zone by inserting "; within 2 miles each side of the extended centerline of Albany County Airport Runway 10, extending from the 5-mile radius zone to 5 miles west of the approach end of Runway 10" following, "15 miles east of the VORTAC".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 4, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-30918 Filed 11-14-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-64]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Linden, N.J., transition area.

A new NDB-A and NDB-B instrument approach procedure is in development for Linden, N.J., Airport. To provide controlled airspace for arrival and departure procedures at Linden Airport will require designation of a 700-foot floor transition area at Linden, New Jersey.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before December 17, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Linden, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.181, Federal Aviation Regulations by adding a new 700 foot floor transition area as follows:

LINDEN, NEW JERSEY

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center Lat. 40°37'04" N., Long. 74°14'42" W. of Linden, New Jersey Airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 3, 1975.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.75-30917 Filed 11-14-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Binghamton, N.Y., transition area (40 FR 456).

A new LOC Rwy 16 instrument approach procedure developed for Broome County Airport, Binghamton, N.Y., requires alteration of the Binghamton, N.Y., 700 foot-floor transition area to provide some additional controlled airspace to protect aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before December 17, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Binghamton, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the Binghamton, N.Y. transition area:

; within 5 miles each side of the Broome County Airport ILS localizer northwest course, extending from the localized to 19 miles northwest of the localizer.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 5, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-30916 Filed 11-14-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 331]

CONTRACT COVERAGE

Proposed Exemption

The Cost Accounting Standards Board is authorized by Pub. L. 91-379 to prescribe rules and regulations exempting from its requirements such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by the Act. The Board pursuant to this authorization has issued a regulation, § 331.30, Applicability, Exemption and Waiver, which, among other things, establishes a procedure by which procuring agencies may request a waiver of the Board's requirements for a particular contract or subcontract.

The Board from 1972 to date has granted 44 waivers requested by procuring activities. Of that number, 23 were for contracts or subcontracts to be performed by United Kingdom firms which are defense suppliers to the U.K. Government and which also are essentially sole source suppliers for the particular item being purchased by the U.S. Department of Defense. The waivers granted to U.K. firms have been based in general on the urgency and essentiality of the procurements which were reported to preclude any alternative to making the proposed awards. Moreover, the U.K. firms objected to complying with the Board's rules and regulations, on the grounds that their accounting

practices have been approved by the U.K. Government, their major customer, and may not thereafter be changed without further approval. They stated that they cannot assume an obligation to comply with Cost Accounting Standards which could be in conflict with U.K. Government Accounting Conventions and the governmentally approved accounting practices for the individual firms.

In view of the recurrence of this position and the high proportion of waiver requests involving U.K. firms, the Board undertook discussions with the U.K. Ministry of Defence concerning the application of Cost Accounting Standards and the Board's rules and regulations to firms which are U.K. defense contractors. As a result of these discussions it has been determined that U.K. defense contractors do disclose their accounting practices to the Ministry of Defence and that the Ministry of Defence approves companies' practices which then cannot be changed without further approval. It has further been determined that a Review Board for Government Contracts, whose chairman and members are nominated by the Government and industry and appointed by the Treasury, but which is established as an independent organization, among other duties periodically reviews and makes recommendations for changes in U.K. Government Accounting Conventions. The Reviw Board has issued or sponsored certain cost accounting standards for use by U.K. contractors with the Ministry of Defence.

In view of all of the above circumstances the Board is considering exempting from its rules and regulations any contract or subcontract to be performed substantially in the U.K. by a U.K. firm when the firm agrees to accept contract provisions requiring that it:

(a) Follow consistently U.K. Government Accounting Conventions;

(b) File with the Ministry of Defence a Disclosure Statement (CASB–DS–1) which will be retained by it but made available for use by appropriate U.S. authorities; and

(c) Follow consistently its disclosed cost-accounting practices and agree to an adjustment in the contract price, together with the payment of interest, if the company fails to follow its disclosed practices and as a result of such failure there is increased cost paid by the U.S. Government.

The Board considers that such a conditional exemption will not substantially impair achieving major benefits which are derived from compliance with the Board's regulations and that it is consistent with Pub. L. 91–379.

A United Kingdom firm could find that its obligation to follow U.K. Government Accounting Conventions might require the firm to change a disclosed cost accounting practice. In such an event, the Board hopes that any such change would be negotiated in advance of the effective date of the Convention, so as to avoid the imposition of any interest charges or increased cost paid by the United States. The negotiation for a change in disclosed practices would be patterned on the similar negotiation required under section (a)(4)(B) of the Cost Accounting Standards Clause.

The proposed conditional exemption is set forth below. Interested parties are invited to submit written views concerning this proposal to the Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C., 20548, to arrive no later than December 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

The following addition to Part 331 of the Board's regulations is proposed:

Section 331.30, Applicability, Exemption, and Waiver, is modified by adding paragraph (b)(9) to read as follows:

§ 331.30 Applicability, exemption, and waiver.

* * * * *

(b) * * *

(9) Any contract or subcontract made with a United Kingdom contractor for performance substantially in the United Kingdom, provided, that the contractor has filed with the U.K. Ministry of Defence a completed Disclosure Statement (Form CASB–DS–1) which shall be in accord with U.K. Government Accounting Conventions and which shall adequately describe its cost accounting practices; and provided further that such contract or subcontract contains the following provision:

CONSISTENCY IN COST ACCOUNTING PRACTICES

The contractor agrees that it will consistently following the cost accounting practices disclosed on Form CASB–DS–1 in estimating, accumulating and reporting costs under this contract. In the event the contractor fails to follow such practices, it agrees that the contract price shall be adjusted, together with payment of interest, if such failure results in increased costs paid by the U.S. Government. Interest shall be determined in accordance with the rules and regulations of the Cost Accounting Standards Board. The contractor agrees that the Disclosure Statement filed with the U.K. Ministry of Defence shall be available for inspection and use by representatives of the contracting agency, the Cost Accounting Standards Board, and the Comptroller General of the United States.

* * * * *

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75–31157 Filed 11–14–75;9:32 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Proposal Considering Whether Automobile Leasing Should Continue To Be Permissible Activity

In May, 1974, the Board issued an amendment to its Regulation Y, 12 CFR 225.4(a)(6)(a), to permit bank holding companies to engage in certain leasing activities with respect to personal property where the lease was on a full payout basis and served as the functional equivalent to an extension of credit. In June, 1974, the National Automobile Dealers Association ("NADA") sought judicial review of this leasing regulation insofar as it permitted bank holding companies to engage in automobile leasing. NADA objected, in particular, to the provision in the regulation allowing lessors to deduct 20 percent of the acquisition cost of the leased property as residual value that need not be recovered by rentals or tax benefits in computing a full payout lease (12 CFR 225.4(a)(6)(a)(iv)(3)) and the provision permitting a lessor to deduct up to 60 percent of the acquisition cost of the leased property when such amount was guaranteed by a financially qualified lessee, manufacturer or third party (12 CFR 225.4(a)(6)(a)(iv)(4)). In addition, NADA argued that the activity of automobile leasing is not closely related to banking in that it is merchandising and dealing in used cars and does not serve as the "functional equivalent of an extension of credit" as required by the Board's regulation (12 CFR 225.4(a)(6)(a)(i)).

After briefing and oral argument of the case before the U.S. Court of Appeals for the D.C. Circuit, the Board sought and the Court granted a remand of the matter so that the Board might consider these issues raised by NADA and such other issues as are relevant to bank holding companies engaging in automobile leasing. Accordingly, the Board proposes to determine whether automobile leasing ought to continue to be included within the scope of the Board's personal property leasing regulation (12 CFR 255.4(a)(6)(a)) and, if it should be, under what conditions and limitations.

Interested persons are invited to submit relevant data, views, or arguments on this matter. Upon request, interested parties will be afforded an opportunity for an oral presentation of their views. Any such material and requests should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 22, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

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

[FR Doc.75–30930 Filed 11–14–75;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1603]

STATE ADVISORY COUNCILS

Appointment and Function

Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–29961 ("the Act"). Section 1004(f) of the Act, 42 U.S.C. 2996c(f) provides that within six months after the first meeting of the

Board of Directors of the Corporation, the Board shall request the Governor of each state to appoint a state advisory council for legal services programs.

Pursuant to section 1008(e) of the Act, the Corporation hereby notices and publishes for comment the following proposed regulations regarding the appointment and functioning of state advisory councils. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733-15th Street, NW., Washington, D.C. 20005, on or before December 17, 1975. Comments may be accompanied by a memorandum or brief in suport thereof. Received comments may be seen at the above offices during business hours, Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment received pursuant to this notice.

Sec.
1603.1 Purpose.
1603.2 Definitions.
1603.3 Composition and term of office of council membership.
1603.4 Procedure for appointment of council.
1603.5 Council purpose and d··ties.
1603.6 Duties of corporation on receipt of notification of violation.
1603.7 Organization and procedural functioning of council.
1603.8 Corporation support of council.
1603.9 Annual report of council.
1603.10 Multi-state recipients.

AUTHORITY: Sec. 1004(f), 88 Stat. 379-380 (42 U.S.C. 2996c(f)).

§ 1603.1 Purpose.

The purpose of this part is to implement section 1004(f) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996c(f), which provides authority for the appointment of state advisory councils.

§ 1603.2 Definitions.

As used in this part, the term—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation established under the Act;

(d) "Council" means a state advisory council established pursuant to section 1004(f) of the Act;

(e) "eligible client" means any person financially unable to afford legal assistance;

(f) "Governor" means the chief executive officer of a State;

(g) "recipient' means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a)(1) of the Act;

(h) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

§ 1603.3 Composition and term of office of council membership.

A council shall be composed of nine members. A majority of the members of the council shall be attorneys admitted to practice in the particular State. It is recommended that the remainder of the council, to the maximum extent possible, be broadly representative of citizens concerned with the effective functioning of legal services programs. Membership of the council shall be subject to annual reappointment, but it is recommended that no member of any council be appointed to serve for more than three consecutive years.

§ 1603.4 Procedure for appointment of council.

At the formal request of the Board of Directors of the Corporation, to be made before January 14, 1976, the Governor of each State may appoint a council for such State. Those council members who are attorneys admitted to practice in the State shall be appointed by the Governor after recommendations have been received from the State bar association. In appointing attorneys as members of the council, the Governor is also encouraged to consult with and solicit the recommendations of other bar associations in the State, representatives of groups organzied to promote the interests of recipients and eligible clients, and other interested groups. The Governor is encouraged to appoint attorneys who have experience and knowledge in the delivery of quality legal services to the poor. It is recommended that the remaining members of the council, who are not attorneys, be selected after the Governor has consulted with representatives of groups organized to promote the interests of eligible clients. The Governor is also encouraged to seek recommendations from recipients in the State before appointing any members to the council. If 90 days have elapsed after the request of the Board to the Governor to appoint a council, and the Governor has not appointed a council, the Board is authorized to appoint a council in that particular State.

§ 1603.5 Council purpose and duties.

(a) The purpose of the council shall be to notify the President of the Corporation of any apparent violation of the provisions of the Act, or any rules, regulations or guidelines promulgated pursuant to the Act.

(b) In fulfilling the purpose set forth in paragraph (a) of this section, the council shall forward to the President of the Corporation all complaints it receives of any apparent violation of the Act, or any rules, regulations or guidelines promulgated pursuant thereto. The council may decide in its judgment, however, that the reported circumstances contained in a complaint, even if true, would not constitute a violation of the Act, or any rules, regulations or guidelines promulgated pursuant to the Act. In that case, the Chairman of the council shall so inform the person(s) who brought the complaint of apparent violation to the attention of the council. At the same time, the Chairman of the council shall forward to the President of the Corporation a copy of the letter by which the council refused to make an official notification described in paragraph (a) of this section. In fulfilling the purpose set forth in paragraph (a) of this section, the council shall not conduct formal hearings or investigations to determine whether the facts justify the complaint of an apparent violation of the Act, or any rules, regulations or guidelines promulgated pursuant thereto. No official notification of apparent violation forwarded by the council to the Corporation shall constitute a position of the council as to the merits of any complaint of apparent violation.

(c) If the council notifies the President of the Corporation of an apparent violation of the Act or any rules, regulations or guidelines promulgated pursuant to the Act, the council shall, at the same time, furnish a copy of the notification of apparent violation to any recipient affected thereby.

(d) Any person may send a complaint directly to the Corporation without sending it to the council. Any person may also send a complaint directly to the Corporation after a complaint has been lodged with the council, even when the council has rejected the complaint.

§ 1603.6 Duties of corporation on receipt of notification of violation.

(a) Upon receipt of a notification from a council, the Corporation shall retain the responsibility for investigation and resolution of any apparent violation contained in such notification. The Corporation shall employ procedures consistent with section 1011 of the Act, for investigating any allegation contained in the notification, and for remedying the apparent violation, if the allegation proves well-grounded.

(b) In every case, however, on receipt from a council of a notification of apparent violation, the Corporation shall allow any recipient affected thereby a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification.

(c) The Corporation shall inform the Chairman of a council as to what action, if any, the Corporation has taken with regard to any notification received from such council pursuant to § 1603.5(a).

§ 1603.7 Organization and procedural functioning of council.

(a) Within 30 days after the appointment of the council, the Governor shall send to the Secretary of the Corporation in Washington, D.C., a certified list of the members of the council for the particular State. This certified list shall be updated and sent to the Secretary of the Corporation annually and within thirty days after the appointment of any newly designated member. These certified lists of the members of the council shall include the name, address, telephone num-

ber(s) of each council member, and if a member is an attorney that fact should be noted.

(b) It is recommended that the Governor appoint from among those named to the council a Chairman of said council, whose term of office shall be for one year.

(c) It is recommended that each council establish at its first meeting such fair and reasonable procedures for its operation as it may deem necessary to carry out the purpose set forth in § 1603.5(a). It is suggested that the procedures for operation of the council shall include provisions for notifying the regional director of the Corporation in whose jurisdiction the particular State fails of the time and place of any meeting of the council.

(d) It is recommended that the council meet at the call of the Chairman thereof, or at the request to the Chairman of at least four members thereof, at such times as may be necessary to carry out its duties, but at least annually, and not more than four times per year.

(e) All meetings of the council shall be open to the public, and any minutes of such public meetings shall be available to the public, unless the membership of the council by two-thirds vote of those eligible to vote, determines that consideration of specific matter on a specific occasion shall be closed to the public. That part of a meeting closed to the public shall be known as an executive session. Agenda and non-agenda items may be considered in an executive session. It is recommended that an executive session consider only matter for which the required determination has been made. It is suggested that the chairman of the meeting announce the subject of the executive session prior thereto. In determining whether an executive session is required, the Corporation contemplates that the council will be governed by the principle that the public is entitled to the fullest information regarding the decision-making process of the council consistent with the protection of personal privacy or with compelling interests of the council or the public. When, however, a council meets to consider whether to notify the President of the Corporation of an apparent violation pursuant to § 1603.5(a), such complaint of apparent violation may be considered in executive session or otherwise in confidence, consistent with the protection of personal privacy.

§ 1603.8 Corporation support of Council.

(a) The Corporation shall provide council members with reasonable travel expenses so that they can attend meetings of the council. Such expenses shall be provided according to guidelines and procedures established by the Corporation for payment of travel expenses. If the council deems it necessary to hold more than four days of meetings in any one year, however, it shall obtain prior written approval from the President of the Corporation for the expenses expected to be incurred for each such additional day of meeting. Other reasonable expenses incurred for administrative costs of the council will be reimbursed by the Corporation.

(b) It shall be the duty of the President of the Corporation to keep the Chairman of each council informed of the work of the Corporation. The President of the Corporation shall from time to time mail to the Chairman of each council a report concerning current issues regarding the work of the Corporation.

(c) The Secretary of the Corporation shall mail to each office of a recipient of the Corporation the name and address of the Chairman of the council which has jurisdiction over the particular recipient. The person in charge of each such office of a recipient shall be responsible for posting in plain public view said name and address of the Chairman of the council, together with a notice in the form prescribed by the Corporation indicating to any member of the public where complaints regarding legal services may be sent.

§ 1603.9 Annual report of council.

On January 1, 1977, and January 1 of each succeeding year thereafter, the council shall submit to the President of the Corporation an annual report detailing the activities of the council during the previous 12 months. The report may contain comments or suggestions regarding how best to provide high quality legal assistance to the poor.

§ 1603.10 Multi-state recipients.

Where a recipient has offices in more than one State, the council of the State in which the apparent violation occurred has the responsibility for notifying the Corporation of such apparent violation.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-30905 Filed 11-14-75;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 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 December 3, 1975, at the Pentagon, Washington, D.C. The session will commence at 9 a.m. and terminate at 5:30 p.m.

The agenda will be limited to briefings and discussions on the Navy's strategic concept, naval missions and capabilities, and their relation to geographic areas of naval and national concern, which are required by Executive Order to be kept secret in the interest of national defense. Accordingly, the Secretary of the Navy has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: November 11, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy,
Assistant Judge Advocate
General (Civil Law).

[FR Doc.75-30834 Filed 11-14-75;8:45 a.m.]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting in Washington, D.C. on December 4 and 5, 1975 at the Statler Hilton Hotel, 16th & K Streets NW. The meeting will convene at 9 a.m. and will be open to the public.

Discussion will focus on the review and development of standards and goals in the following areas:

Correction; Private Sector; Business and Industry; The Professions; Research and Planning; Training and Education; State Criminal Codes; Administrative/Regulatory/Civil Sanctions; Intelligence; Investigation Prose; Post-Trial Procedures.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-30949 Filed 11-14-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Research and Development Task Force on Criminal Justice Standards and Goals.

The Research and Development Task Force will meet on December 5, 1975 at the Mayflower Hotel, 1127 Connecticut Avenue, N.W., Senate Conference Room, Washington, D.C. 20036. The meeting will convene at 9:30 a.m., and will be open to the public.

Discussion will focus on a working system to develop chapters of the final report.

For further information, contact George Bohlinger, Director, Courts and Corrections Division, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, 633 Indiana Avenue, NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-30950 Filed 11-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

CHIEF, BRANCH OF PROCUREMENT AND CONTRACTS AND EASTERN, CENTRAL AND WESTERN REGIONAL MANAGEMENT OFFICERS

Delegation of Authority

NOVEMBER 11, 1975.

The following material is a revision of the Geological Survey Manual; the numbering system is that of the Manual (Part 205, General Redelegations, Chapter 4, Procurement.)

.1 *Contracts, grants, purchase orders and delivery orders for property and services.*

A. *Delegation.* Under the authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205 DM 11, redelegation is hereby made to the Chief, Branch of Procurement and Contracts and the Management Officers, Eastern, Central, and Western Regions to enter into contracts or grants, on behalf of the United States and the Geological Survey, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract or grant, to issue change orders and extra work orders pursuant to the contract or grant, to enter into modifications of the contract or grant which are legally permissible, and to terminate the contract or grant if such action is legally authorized.

B. *Exercise of Authority.* Contracts and grants may be entered into under this authority unless specifically prohibited by statute, by the provisions of Title 41 of the United States Code, by Chapter 1 of Title 41 of the Code of Federal Regulations (Federal Procurement Regulations), by Chapter 14 of Title 41 of the Code of Federal Regulations (the Interior Procurement Regulations), or by other applicable regulations.

.2 *Small Purchases.*

A. *Delegation.* Except for the limitations outlined in paragraphs .2B and C., Division Chiefs and the Chief, LIA are delegated authority:

(1) To make small purchases from commercial sources in the open market when the aggregate amount involved in any one transaction does not exceed $5,000.

(2) To place delivery orders against established Federal Supply Schedules up to the maximum order limitation as specified in each Federal Supply Schedule.

B. *Category Limitations.* Purchases of property and services in the following categories may be made only by Administrative Division procurement offices:

(1) Personal or professional services, i.e., any service that is performed under Government supervision and paid for on a time basis.

(2) Construction costing $2,000 or more.

(3) Automatic data processing equipment and services.

(4) Services other than personal or professional costing $2,500 or more.

(5) Motor vehicles.

C. *Geographical Limitations.* Small purchases for offices located in Reston, Denver, and Menlo Park will be made by Administrative Division procurement offices only. However, Division Chiefs and the Chief, LIA, may use their small purchase authority in these locations when, in their opinion, a time emergency or similar reason exists.

D. *Exercise of Authority.* This authority shall be exercised in accordance with applicable regulations and statutory requirements, subject to the availability of funds, and subject to the limitations prescribed in SM 205.4.2C.

.3 *Redelegation*

A. The authorities delegated in SM 205.4.1 and SM 205.4.2 to the Chief, Branch of Procurement and Contracts; Management Officers, Eastern, Central, and Western Regions; Division Chiefs; and Chief, Land Information and Analysis Office may be redelegated by them to officials in their respective organizations, subject to the limitations contained in this chapter and in accordance with the requirements of SM 200.1. The extent and the dollar amount of authority permanently redelegated should be determined after considering the operational need, the

anticipated volume of procurement actions, and the ability to exercise managerial control.

B. Authority has been redelegated as follows:

ADMINISTRATIVE DIVISION

Unlimited Amount, Contract Specialists, Contact Administrators.

Not to exceed $50,000 open market; maximum order limitation on GSA Schedules; mum order, limitation on GSA Schedules; Procurement Agents.

Not to exceed $10,000 open market; maximum order limitation on GSA Schedules; Administrative Officer, Anchorage, Alaska, Administrative Officer, Flagstaff, Arizona, Purchasing Agents, Contract Assistants, Procurement Assistants.

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules; Suorder limitation on GSA Schedules; Supervisory General Supply Speicalist, Rolla, Missouri.

CONSERVATION DIVISION

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules; Division Administrative Officer, Regional Conservation Managers, Conservation Manager, Gulf of Mexico OCS Operations.

Not to Exceed $1,000; Heads of Field Offices below level of Regional Conservation Manager and Conservation Manager, Gulf of Mexico OCS Operations, Administrative Officers, Administrative Assistants, Branch or Section Chiefs located in field offices who are organizationally assigned to headquarters.

Not to Exceed $500; Employees in a travel status.

GEOLOGIC DIVISION

Not to Exceed $5,000 open market; maximum order limitations on GSA Schedules, Chiefs of Offices, Regional Geologists, Branch Chiefs, Librarian, Washington, D.C., Librarian, Denver, Colorado, Librarian, Menlo Park, California, Pilot and copilot, Theoretical and Applied Geophysics, Chief Scientists on Research Ship Cruises, Chief, Seismological Center, Albuquerque, New Mexico, Ship Manager on Shore, Woods Hole, Massachusetts, Ship Manager on Shore, Corpus Christi, Texas.

Not to Exceed $2,500; Heads of Field Offices, Project Chiefs.

Not to Exceed $500, Administrative Officers, Employees in a travel status.

TOPOGRAPHIC DIVISION

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules, Mapping Center Chiefs, Special Mapping Center, Eastern, Mid-Continent, Rocky Mountain and Western Mapping Centers, headquartered at Reston, Virginia; Rolla, Missouri; Denver, Colorado; and Menlo Park, California. Chief, Office of Research and Technical Standards Deputy Chief, Office of Research and Technical Standards.

Not to Exceed $3,500, Chief, Branch of Research and Design, Administrative Officers at headquarters and at Mapping Centers.

Not to Exceed $500, Regular employees in a travel status. Regular field employees located at a temporary duty station away from their permanent headquarters.

LAND INFORMATION AND ANALYSIS OFFICE

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules, Associate Chiefs, Program Chiefs, Chief, EROS Data Center, Administrative Officer, Data Center.

Not to Exceed $500, Administrative Officer, Land Information and Analysis Office, Environmental Impact Statement Task Force Leaders in travel status.

PUBLICATIONS DIVISION

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules, Associate Division Chief, Assistant Division Chiefs, Region Chiefs.

Not to Exceed $500, Chief Kentucky Project Illustrations Office, ER, Regular employees in a travel status.

WATER RESOURCES DIVISION

Not to exceed $5,000 open market; maximum order limitation on GSA Schedules, Associate Chief, Assistant Chiefs, Regional Hydrologists, Division Administrative Officer, District Chiefs, Chief, Gulf Coast Hydroscience Center, Chiefs, Central Laboratories (at Salt Lake City, Denver, Atlanta and Albany, NY).

Not to Exceed $2500, Heads of field offices, Project Chiefs, Field Administrative Officers and Assistants.

Not to Exeed $500, Regular employees in a travel status.

EDMUND J. GRANT,
Assistant Director for Administration.

NOVEMBER 11, 1975.

[FR Doc.75-30321 Filed 11-14-75;8:45 am]

DRILLING PROCEDURES

Revision of Proposed OCS Order No. 2, Pacific Area

Notice is hereby given that pursuant to 30 CFR 250.11, the Chief, Conservation Division, U.S. Geological Survey, has proposed the revision of Outer Continental Shelf (OCS) Order No. 2 for the Pacific Area as set forth below.

The purpose of revised OCS Order No. 2 is to update the requirements for drilling procedures on the OCS in the Pacific Area. The order includes requirements for well casing and cementing, blowout prevention, mud program, supervision and training, directional surveys, hydrogen sulfide, and critical operations and curtailment plans.

The Order was published in the FEDERAL REGISTER on August 19, 1974, (v. 39 FR 29912) with a solicitation for comments. In addition, Notice to Lessees and Operators, No. 74-2 "Hydrogen Sulfide in Drilling Operations," was mailed to lesses and operators of Federal OCS leases on August 27, 1974. The provisions of this Notice are now included in the proposed revision.

Comments on these solicitations were received from six (6) oil companies, the California State Lands Division, and the California Division of Oil and Gas. All comments have been considered and included, where appropriate, in the version of the Order printed herewith.

As there are substantial changes proposed in some portions of the Order, comments on such changes are solicited. Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before December 12, 1975. Comments will be considered and included in the final version of the Order as appropriate. It is anticipated that the finalized version of this Order will become effective January 1, 1976, contingent upon the time required for evaluation of comments.

V. E. MCKELVEY,
Director.

[OCS Order No. 2]

DRILLING PROCEDURES

This order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this order which shall continue in effect until field drilling rules are issued. When sufficient geologic and engineering information is obtained through exploratory drilling, operators may make application or the Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. Each Application for Permit to Drill (Form 9-331C) shall include all information required under 30 CFR 250.91, and shall include a notation of any proposed departures from the requirements of this order. All departures from the requirements specified in this order shall be subject to approval pursuant to 30 CFR 250.12(b).

The operator shall comply with the following requirements. All applications for approval under the provisions of this order shall be submitted to the appropriate District Engineer. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Well casing and cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41 (a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. All casing except drive pipe, shall meet the API standards for new casing. Casing inspection reports shall be maintained by the operator in its field headquarters.

For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, protective, and production casing. These casing strings shall be run and cemented prior to drilling below the specified setting depths, subject to approved variations to permit the casing to be set in a competent bed. All depths refer to true vertical depth (TVD) below the ocean floor. Setting depths of all casing, except drive or structural, may have a tolerance of ±25 feet (±7.6 metres). Determination of proper casing setting depths shall be based upon all relevant geological and engineering factors including the presence or absence of hydrocarbons. Formation fracture gradients, formation pressures, water depths, and zones of lost circulation or of other unusual characteristics shall be taken into account in the design of the well-casing program.

A. *Drive or structural casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 100 feet (30.5 metres) below the ocean floor to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled or jetted, the drilling fluid shall be of a type that is in

compliance with the liquid disposal requirements of OCS Order No. 7.

B. *Conducting casing.* This casing shall be set at a minimum depth of 300 feet (91.44 metres) or a maximum depth of 500 feet (152.4 meters) below the ocean floor: *Provided, however,* The conductor casing shall be set before drilling into shallow formations known to contain oil or gas or, if unknown, upon encountering such formations.

C. *Surface casing.* This casing shall be set at a minimum depth of 1,000 feet (304.8 metres) or a maximum depth of 1,200 feet (365.8 metres) below the ocean floor, but may be set as deep as 1,500 feet (457.2 metres) in the event the conductor casing is set at least 450 feet (137.2 metres) below the ocean floor.

D. *Intermediate casing.* This casing shall be set before drilling below the setting depths specified in the following table:

Proposed total depth of well or proposed depth of first full string of protective casing (TVD in feet (metres) below ocean floor)	Setting depths for intermediate casting (TVD in feet (metres) below ocean floor)			
	Minimum		Maximum [1]	
	Feet	Meters	Feet	Meters
0 ft to 3,500 ft (1,066.8 m)	[2]	[2]	[2]	[2]
3,500 ft (1,066.8 m) to 4,500 (1,371.6 m) ft	[3] 1,500	457.2	[3] 3,500	1,066
4,500 ft (1,371.6 m) to 6,000 ft (1,828.8 m)	1,750	533.4	3,500	1,066
6,000 ft (1,828.8 m) to 9,000 ft (2,743.2 m)	2,250	685.8	3,500	1,066
9,000 ft (2,743.2 m) to 11,000 ft (3,352.8 m)	2,750	838.2	3,500	1,066
11,000 ft (3,352.8 m) to 13,000 ft (3,962.4 m)	3,250	990.6	3,500	1,066
13,000 ft (3,962.4 m) and below	3,450	1,051.6	3,550	1,082

[1] If as much as 1,500 ft (457.2 m.) of surface casing is set, intermediate casing may be set as deep as 4,500 ft (1371.6 m.) below the ocean floor.
[2] None required.
[3] No intermediate casing is required if as much as 1,500 ft (457.2 m.) of surface casing is set.

E. *Protective casing.* This casing shall be set at any time when drilling below the surface casing when required by well conditions. If a liner is used as a protective string, the lap shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The liner shall have a minimum lap length of 100 feet (30.5 metres). The test shall be recorded on the driller's log and shall be witnessed and approved by a Geological Survey representative.

F. *Production Casing.* This casing shall be set before completing the well for production. When a blank or combination liner is run as production casing and the lap cemented as production casing, the testing of the lap between the liner top and next larger string shall be conducted as specified for protective liners. The surface casing shall never be used as production casing.

G. *Casing Cementing.* The drive or structural casing, if drilled, and the conductor and surface casing annuli shall be filled with cement to the ocean floor. To facilitate casing removal upon well abandonment, the cement may be washed out of the annuli to a depth of 40 feet (12.2 metres). The intermediate casing shall be cemented to fill the annular space from the casing shoe to a minimum of 200 feet (61.0 metres) into the next larger string of casing. The intermediate, protective and production casing shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons and abnormal pressure. Sufficient cement shall be used to provide annular fillup a minimum of 500 feet (152.4 metres) above the zones to be isolated or 500 feet (152.4 metres) above the casing shoe in cases where zonal coverage is not required.

Temperature or cement bond surveys shall be run before completing a well to aid in determining if all zones containing hydrocarbons and/or abnormal pressures are isolated. If a survey indicates that an annular space is not adequately cemented, the operator, with prior approval of the District Engineer, shall recement in such a manner as to fill the necessary annular space and isolate the appropriate zones. Another survey shall then be run to aid in determining the adequacy of recementing.

After cementing any of the above casing strings, drilling shall not be commenced until after a time lapse of a minimum of 12 hours under pressure: *Provided,* That sufficient time has elapsed for the bottom 500 feet (152.4 metres) of annular cement fill or the total length of annular cement fill, if less, to attain a compressive strength of at least 500 pounds per square inch (35.2 Kg/cm²). The typical performance data for the particular cement mix used in the well shall be employed in calculating the time to reach minimum compressive strength.

Cement is considered to be "under pressure" if an acceptable means of holding pressure is used or if one or more float valves are employed to hold the cement in place.

When there are indications of improper cementing such as lost returns, cement channeling or mechanical failure of equipment, the operator shall notify the District Engineer. A recementing plan shall be approved by the District Engineer before any remedial work is performed.

H. *Pressure testing of casing.* After cementing and before drilling below the shoe, all casing strings, except the drive or structural casing, shall be pressure tested over the interval from the cement collar to the casing head to the minimum pressure shown in the table below. The minimum internal yield pressure of the casing shall equal or exceed the test pressure. If the pressure declines more than 10 percent in 30 minutes, or if there are other indications of a leak, corrective measures must be taken until a satisfactory test is obtained. All pressure tests shall be recorded on the driller's log and shall be witnessed and approved by a Geological Survey representative, unless prior approval has been obtained from the District Engineer for witnessing and approval by a third-party representative.

Casing String:	*Minimum Surface Pressure (psi)*
Conductor	200 psi (14.06 Kg/cm²).
Surface	1,000 psi (70.30 Kg/cm²).
Intermediate	1,500 psi (105.5 Kg/cm²) or 0.2 psi/ft. (.046 Kg/cm²/metre), whichever is greater.
Protective	1,500 psi (105.5 Kg/cm²) or 0.2 psi/ft. (.046 Kg/cm²/metre), whichever is greater.
Liner	1,500 psi (105.5 Kg/cm²) or 0.2 psi/ft. (.046 Kg/cm²/metre), whichever is greater.
Production	1,500 psi (105.5 Kg/cm²) or 0.2 psi/ft. (.046 Kg/cm²/metre), whichever is greater.

2. *Blowout prevention requirements.* Blowout preventers and related well control equipment shall be installed, used, and tested in a manner necessary to insure well control. Prior to drilling below the drive or structural casing, blowout prevention equipment shall be installed and maintained ready for use while drilling; however, the diverter and marine riser may be removed to install and cement casing until such time as the diverter system is replaced by the blowout-preventer equipment as required in paragraph 2D. Prior to the removal of the marine riser for installing casing, it shall be displaced with sea water and a determination made that sufficient hydrostatic head exists within the well bore to maintain a safe well condition. If repair, or replacement of the blowout-preventer stack or the marine riser system is necessary after installation as required in paragraph 2D or 2E, this work will be accomplished after casing has been cemented prior to drilling out the shoe or by setting a cement or bridge plug to insure safe well conditions.

A. *General requirements.*—(1) *Blowout preventer equipment.* Blowout prevention equipment shall consist of an annular and the specified number of ram-type preventers, one of which shall contain a blind-shear ram. The pipe rams shall be of proper size to fit the pipe in use. The working pressure of any blowout preventer shall exceed the maximum anticipated surface pressure to which it may be subjected.

All preventers shall be equipped with:

(a) A hydraulic actuating system that provides sufficient accumulator capacity to close all blowout prevention equipment units with a 50 percent operating fluid reserve at 1,200 psi (84.4 Kg/cm²). A high pressure nitrogen or accumulator back-up system shall be provided with sufficient capacity to close all blowout preventers and hold them closed. Locking devices shall be provided on the ram-type preventers.

(b) An operable remote blowout-preventer-control station shall be provided, in addition to the one on the drilling floor.

(c) A drilling spool with side outlets, if side outlets are not provided in the blowout preventer body, shall be installed to provide for a kill line and choke manifold.

(d) A kill line with a master valve located next to the well. This valve shall not be used for normal opening or closing on flowing fluids.

The kill line shall have at least one control valve in addition to the master valve.

(e) A choke manifold equipped with a hydraulic control valve, a master valve, three adjustable chokes of which one shall be a hydraulic adjustable choke, and an accurate pressure gauge. The choke manifold outlets shall be connected in such a manner that the well fluids may be directed to production facilities or emergency storage.

(f) A fill-up line.

(g) All valves, pipe, and fittings that can be exposed to pressure from the wellbore shall be of a pressure rating at least equal to that of the blowout prevention equipment.

(2) *Auxiliary equipment.* The following auxiliary equipment shall also be provided:

(a) A top kelly cock shall be installed below the swivel, and an essentially full-

opening kelly cock of such design that it can be run through blowout preventers shall be installed at the bottom of the kelly.

(b) An inside blowout preventer and a full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. Valves shall be maintained on the rig floor to fit all pipe that is in the drill string. A safety valve shall be available on the rig floor assembled with the proper connection to fit the casing string that is being run in the hole at the time.

(c) A socket-type full-opening safety valve that is capable of being dropped over any drill pipe tool joint in use shall be maintained on the rig floor ready for use.

B. *Drive pipe or structural casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventer or pressure-rotating, pack-off-type head and related equipment shall be installed for circulating the drilling fluid to the drilling structure or vessel. When the blowout preventer system is on the ocean floor, the choke and kill lines or equivalent vent lines, equipped with necessary connections and fittings, shall be used for diversion. An annular preventer or pressure-rotating, pack-off-type head, equipped with suitable diversion lines as described above and installed on top of the marine riser, may be utilized for diversion. The diverter system shall provide adequate sized lines and full-opening valves to permit the full diversion of hydrocarbons and the diverter system shall be equipped with automatic, remote-controlled valves which open, prior to shutting in the well. At least two lines venting in different directions to accomplish downwind diversion, shall be provided. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9–331C) to the District Engineer for approval.

In drilling operations where a floating drill ship or semi-submersible type of drilling vessel is used and/or where the placement of the initial structural casing is not operationally feasible to provide adequate formation competence to subsequently safely contain shallow hydrocarbons or other fluids while drilling conductor hole, a program which provides for rig and personnel protection and safety in these operations shall be described and submitted to the District Engineer for approval. This program shall include all known pertinent and relevant information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, schematic diagram from rotary table to proposed conductor casing seat, and contingency plan for moving off location.

In all areas where shallow hazards or hydrocarbons are unknown, seismic data shall be obtained, and a small-diameter initial pilot hole from the bottom of drive or structural casing to proposed conductor casing seat shall be drilled to aid in determining the presence or absence of these hazards. All seismic data shall be made available to the District Engineer. Approval of the drilling procedure shall be required, whether by pilot hole or otherwise.

C. *Conductor casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventer, or a diverter system as described in paragraph 2B above, and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed.

D. *Surface casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of three remotely controlled, hydraulically operated blowout preventers, including one equipped with pipe rams, one with blind-shear rams, and one annular type blowout preventer.

E. *Intermediate casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of four remotely controlled, hydraulically operated blowout preventers, including two equipped with pipe rams, one with blind-shear rams, and one annular-type blowout preventer.

F. *Testing, inspection and operation*—(1) *Pressure tests.* Ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the stack assembly, or at 70.0 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of these pressure requirements. All preventers shall also be tested at a low pressure of 200 to 300 psi (14.1 to 21.1 Kg/cm^2). These tests shall be performed:

(a) When the above equipment is installed

(b) Before drilling out after each string of casing is set

(c) Not less than once each week while conducting drilling operations

(d) Following repairs that require disconnecting a pressure seal in the assembly.

The operator shall notify the District Engineer when initial pressure testing of the blowout prevention equipment for each string of casing is to be conducted, so that a Geological Survey representative may witness the test.

(2) *Actuation tests.* While drill pipe is in use, ram-type blowout preventers shall be actuated to test proper functioning at least once a day. Each control station shall be tested for operation daily. The annular type blowout preventers shall be actuated on the drill pipe at least once each week. The blowout preventer control manifolds and accumulator system shall be checked for proper operation during the daily closure tests. Any necessary equipment repair and replacement of control panel indicator lights shall be accomplished immediately. All choke manifold valves, kelly cocks, and drill pipe safety valves shall be operated daily. Operational tests of blowout prevention equipment shall be at staggered intervals, to allow each crew to operate the equipment.

(3) *Inspection and maintenance.* All blowout preventers and kelly cocks shall be inspected and maintained in accordance with the manufacturer's recommended procedures. The blowout preventers shall be visually inspected during each trip and in no event less than once each day.

(4) *Drills.* A blowout prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are trained properly to carry out emergency duties. These drills shall be performed during various drilling operations, such as drilling, running and pulling the drill string, and when out of the hole. All blowout preventer tests and crew drills shall be recorded on the driller's log. The operator shall notify the District Engineer at least once a week of a scheduled blowout prevention drill so that a Geological Survey representative may witness the drill. Such a drill may be required at any time during the drilling operation by a Geological Survey representative.

The drill shall include, as a minimum, (1) sounding of a warning signal, sometimes actuated by pit-level indicator or other automatic device; (2) withdrawing the kelley; (3) stopping the pump; (4) observing flow of mud from well; and (5) closing the well by operation of the blowout preventers.

3. *Mud Program—General.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as to insure the safe drilling of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at drilling operation sites at all times while drilling operations are being conducted.

A. *Mud control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, or proper documentation in the driller's log prior to pulling the drill pipe that: (1) There was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole, (2) the weight of the returning mud is not less than the weight of the mud entering the hole, and (3) other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions. In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with drill pipe, the annulus shall be filled with mud before the mud level drops 100 feet (30.5 metres) mechanical device for measuring the amount of mud required to fill the hole shall be utilized, and any time there is an indication of swabbing, or influx of formation fluids, the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned, except on or near bottom, unless well conditions prevent running the drill pipe back to bottom. The mud in the hole shall be circulated or reverse-circulated prior to pulling drill-stem test tools from the hole.

The hole shall be filled by accurately measured volumes of mud and not be continuously running of any type of pump. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hold shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. Posted well control procedures based on anticipated well conditions shall be readily available to the driller. Such procedures shall include: (1) The maximum casing pressure which may be applied to the blowout preventer before controlling excess pressure by bleeding through the choke, and (2) the requirement that the drill pipe pressure shall be monitored during the bleeding procedure for well control.

An operable degasser shall be installed in the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

B. *Mud quantities.* The operator shall stipulate, in the application for permit to drill, the minimum quantities of mud material to be maintained at the drill site for emergency use. The minimum quantity of mud materials required shall not be less than the amount necessary to make a mud volume equal to twice the calculated capacity of the well bore, including the mud volume on hand. The minimum quantity of weighting material necessary, considering the quantity of mud required, shall be sufficient to overcome the highest anticipated formation pressure with a mud weight at least a one pound per gallon greater than the weight required to overcome formation pressure. Drilling operations shall be suspended when the approved minimum quantities of mud material are not maintained.

C. *Mud monitoring equipment.* The following mud system monitoring equipment shall be installed (with derrick floor indicators) and used throughout the period of drilling operations after mud returns are established:

(1) A volume totalizing type of recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include a visual and audio warning device.

(2) Mud return indicator to determine when returns have been obtained, or when they occur unintentionally and additionally to determine that returns essentially equal the pump discharge rate.

(3) Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

(4) Continuous mud logging equipment shall be employed on all exploratory drilling operations. Gas detecting equipment shall be utilized to monitor the drilling mud returns on all drilling operations.

(5) Hydrogen sulfide sensing equipment capable of sensing a minimum of 5 parts per million of H_2S in air, shall be employed to monitor the air above the drilling mud return line at or near the shaker screen.

D. *Mud testing, records, and reports.* Mud testing equipment shall be maintained on the drilling structure at all times, and mud tests consistent with good operating practice shall be performed at least once every 8 hours, or more frequently as conditions warrant. All mud test records shall be available to a Geological Survey representative.

(1) Mud tests results, including tests on mud held in reserve, shall be recorded on the driller's log and reported to the District Engineer in any required periodic drilling report.

(2) Mud log or continuous formation and hydrocarbon logging record. This log shall be prepared on all exploratory wells, and a copy shall be furnished to the District Engineer. The log shall be a continuous one-sheet graphical representation of the well from the ocean floor to total depth, and it shall include the following information, as minimum:

(a) Depth.
(b) Drilling Rate.
(c) Lithology.
(d) Oil and Gas Analysis.
(i) Oil.
(ii) Mud Gas.
(iii) Cuttings.
(e) Remarks (as applicable).
(i) Description.
(ii) Test Results.
(iii) Mud Data.
(iv) Surveys.

4. *Well control surveillance and training.*—A. *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the supervisor shall maintain rig floor surveillance at all times, unless the well is secured with blowout preventers or cement plugs.

B. *Training.* Company and drilling-contractor supervisory personnel shall have completed, within the previous year, a training program approved by the Supervisor which includes:

(1) Abnormal pressure detection methods;

(2) Well control operations, including kicks, lost circulation and trips.

The operator shall additionally require well-control training for drillers in addition to the required weekly blowout prevention drills. Written verification of compliance with these provisions shall be filed with the District Engineer. As standards for training are developed for all members of the drilling crew, they will be incorporated into this Order. Compliance shall be considered a prerequisite to approval of any drilling operation.

5. *Directional surveys.* Wells are considered vertical if inclination does not exceed an average of three degrees from the vertical. Inclination surveys shall be obtained on all vertical wells at intervals not exceeding 152.4 metres (500 feet) during the normal course of drilling.

Wells are considered directional if inclination exceeds an average of three degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 152.4 metres (500 feet) during the normal course of drilling and at intervals not exceeding 30.5 metres (100 feet) in all angle change portions of the hole.

On both vertical and directional wells, directional surveys giving both inclination and azimuth shall be obtained at intervals not exceeding 152.4 metres (500 feet) prior to, or upon, setting surface or intermediate casing, liners, and at total depth.

Composite directional surveys shall be filed with the District Engineer. The interval shown will be from the bottom of conductor casing, or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys, a correction from true north to Lambert Grid north shall be made after making the magnetic to true north correction.

6. *Hydrogen sulfide.* All drilling wells shall have the hydrogen sulfide (H_2S) monitoring equipment installed as detailed below, except when drilling in areas known to be free of H_2S. Upon encountering H_2S, the safety requirements shall be implemented to protect personnel from the toxic effect of the gas. When the H_2S concentration increases to 20 ppm, the remainder of the requirements shall be implemented to control the corrosive effects of H_2S on the drilling equipment. Alternative equipment or procedures that achieve the same or greater levels of safety may be approved by the Supervisor. When sulphur dioxide (SO_2), a product of combustion of H_2S, is present, the procedures outlined in the approved contingency plan required in paragraph 6A(3) of this Order shall be followed.

A. *Personnel safety and protection.* All personnel shall undergo an eardrum examination before assignment to H_2S prone areas. Personnel with perforated eardrums shall be prohibited from working in an H_2S environment.

(1) *Training program.* (a) All personnel, whether regularly assigned, contracted, or employed on an unscheduled basis, shall be informed as to the hazards of H_2S and SO_2. They shall also be instructed in the proper use of personnel safety equipment which they may be required to use, informed of H_2S detectors and alarms, ventilation equipment, prevailing winds, briefing areas, warning systems, and evacuation procedures.

(b) Information relating to these safety measures shall be prominently posted on the drilling facility and on vessels in the immediate vicinity which are serving the drilling facility.

(c) To promote efficient safety procedures, an on-site H_2S safety program, which includes a weekly drill and training session, shall be established. Records of attendance shall be maintained on the drilling facility.

(d) All personnel in the working crew shall have been indoctrinated in basic first aid procedures applicable to victims of H_2S exposure.

During subsequent on-site training sessions and drills, emphasis shall be placed upon rescue and first aid for H_2S victims. Each drilling facility shall have the following equipment, and each crew member shall be thoroughly familiar with the location and use of these items:

(i) A first-aid kit approved by the District Engineer and sized for the normal working number of personnel.

(ii) Resuscitators, complete with face masks, oxygen bottles, and spare oxygen bottles.

(iii) A Stokes litter or equivalent.

(e) One person, who regularly performs duties on the drilling facility, shall be responsible for the overall operation of the on-site safety and training program.

(2) *Visible warning system.* Wind-direction equipment shall be installed at prominent locations to indicate to all personnel, on or in the immediate vicinity of the facility, the wind direction at all times for determining safe upwind areas in the event that H_2S or SO_2 is present in atmosphere. Operational danger signs shall be displayed from each side of the drilling ship or platform, and a number of rectangular red flags shall be hoisted in a manner visible to watercraft and aircraft. Each sign shall have a minimum width of eight feet and a minimum height of four feet, and shall be painted a high-visibility yellow color with black lettering of a minimum of 12 inches in height, indicating:

"DANGER—HYDROGEN SULFIDE-H_2S"

Each flag shall be of a minimum width of three feet and a minimum height of two feet. All signs and flags shall be illuminated under conditions of poor visibility and at night when in use. These signs shall indicate the following operational conditions and requirements:

(a) *Moderate danger.* When the threshold limit value of H_2S (10 parts per million) is reached, the signs will be displayed. If the concentration of H_2S reaches 20 parts per million, protective-breathing apparatus shall be worn by all working personnel, and all nonworking personnel shall proceed to the safe briefing areas.

(b) *Extreme danger.* When H_2S is determined to have reached the injurious level (50 parts per million), the flags shall be hoisted in addition to the displayed signs. All nonessential personnel or all personnel, as appropriate, shall be evacuated at this time. Radio communications shall be used to alert all known air- and watercraft in the immediate vicinity of the drilling facility.

(3) *Contingency plan.* A contingency plan shall be developed prior to the commencement of drilling operations. The plan shall include the following:

(a) General information and physiological responses to H_2S and SO_2 exposure.

(b) Safety procedures, equipment, training, and smoking rules.

(c) Procedures for operating conditions:

(i) Moderate danger to life.

(ii) Extreme danger to life.

(d) Responsibilities and duties of personnel for each operating condition.

(e) Designation of briefing areas as locations for assembly of personnel during Extreme Danger condition. At least two briefing areas shall be established on each drilling facility. Of these two areas, the one upwind at any given time is the safe briefing area.

(f) Evacuation plan.

(g) Agencies to be notified in case of an emergency.

(h) A list of medical personnel and facilities, including addresses and telephone numbers.

(4) *H_2S detection and monitoring equipment.* Each drilling facility shall have an H_2S detector ampules shall be available for activates audible and visible alarms before the concentration of H_2S exceeds its threshold limit value of ten parts per million in air. This equipment shall be capable of sensing a minimum of five parts per million H_2S in air, with sensing points located at the bell nipple, shale shaker, mud pits, driller's stand, living quarters, and other areas where H_2S

might accumulate in hazardous quantities. H_2S detector ampules shall be available for use by all working personnel. After H_2S has been initially detected by any device, frequent inspections of all areas of poor ventilation shall be made with a portable H_2S-detector instrument.

(5) *Personnel protective equipment.* (a) All personnel on a drilling facility or aboard marine vessels serving the facility shall be equipped with proper personnel protective-breathing apparatus. The protective-breathing apparatus used in an H_2S environment shall conform to all applicable Occupational Safety and Health Administration regulations and American National Standards Institute standards. Optional equipment, such as nose cups and spectacle kits, shall be available for use as needed.

(b) The storage location of protective-breathing apparatus shall be such that they are quickly and easily available to all personnel. Storage locations shall include the following:

(i) Rig floor.
(ii) Any working area above the rig floor.
(iii) Mud-logging facility.
(iv) Shale-shaker area.
(v) Mud pit area.
(vi) Mud storage area.
(vii) Pump rooms (mud and cement).
(viii) Crew quarters.
(ix) Each briefing area.
(x) Heliport.

(c) A system of breathing-air manifolds, hoses, and masks shall be provided on the rig floor and in the briefing area. A cascade air-bottle system shall be provided to refill individual protective-breathing apparatus bottles. The cascade air-bottle system may be recharged by a high-pressure compressor suitable for providing breathing-quality air: *Provided*, The compressor suction is located in an uncontaminated atmosphere. All breathing-air-bottles shall be labeled as containing breathing-quality air fit for human usage.

(d) Workboats attendant to rig operations shall be equipped with a protective-breathing apparatus for all workboat crew members. Pressure-demand or demand-type masks, connected to a breathing-air manifold, and additional protective-breathing apparatus shall be available for evacuees. Whenever possible, boats shall be stationed upwind.

(e) Helicopters attendant to rig operations shall be equipped with a protective-breathing apparatus for the pilot.

(f) The following additional personnel safety equipment shall be available for use as needed:

(i) Portable H_2S detectors.

(ii) Retrieval ropes with safety harnesses to retrieve incapacitated personnel from contaminated areas.

(iii) Chalk boards and note pads located on the rig floor, in the shale-shaker area, and in the cement pump rooms for communication purposes.

(iv) Bull horns and flashing lights.

(v) Resuscitators.

(6) *Ventilation equipmemnt.* All ventilation devices shall be explosion-proof and situated in areas where H_2S or SO_2 may accumulate. Movable ventilation devices shall be provided in work areas and be multidercctional and capable of dispersing H_2S or SO_2 varpors away from working personnel.

(7) *Notification of regulatory agencies.* The following agencies shall be immediately notified under the alert conditions indicated:

(a) *Moderate danger.* (i) U.S. Geological Survey.

(ii) U.S. Coast Guard.

(b) *Extreme danger.* (i) U.S. Geological Survey.

(ii) U.S. Coast Guard.

(iii) Department of Defense.

(iv) Appropriate State agencies.

B. *Metallurgical equipment considerations.* Equipment used when drilling zones bearing H_2S could be susceptible to the phenomena variously known as: Sulfide stress cracking, H_2 (hydrogen) embrittlement, stress corrosion cracking and/or H_2S embrittlement. To resist or prevent these phenomena from occurring, the equipment shall be constructed of material whose metallurgical properties are chosen after considering both working environment and the anticipated stresses. The metallurgical properties include the grade of steel, the processing (as rolled, normalized, tempered and/or quenched) and its resulting strength properties. The working environment shall include the H_2S and CO_2 (carbon dioxide) concentrations, the well fluid pH and the well bore pressures and temperatures. Such equipment includes the drill string, the casing, the casing or wellhead, blowout preventers, kill lines, choke manifold, valves, bolting, welding, and other related equipment. The following general practices are required for acceptable performance:

(1) *Drill string.* Drill strings shall be designed consistent with the anticipated depth, conditions of the hole, and reservoir environment to be encountered. Care shall be taken to minimize exposure of the drill string to high stresses as much as is practical and consistent with the anticipated hole conditions to be encountered.

(2) *Casing.* Casing, couplings, flanges, and related equipment shall be designed for H_2S service. Field welding on casing (except conductor and surface strings) is prohibited unless approved by the District Engineer.

(3) *Wellhead, blowout preventers, and pressure control equipment.* The blowout-preventer stack assembly shall be designed in accordance with criteria evolved through technology of the latest state-of-the art for H_2S service. Surface equipment such as choke lines, choke manifold, kill lines, bolting, weldments, and other related well-killing equipment shall be designed and fabricated utilizing the most advanced technology concerning sulfide stress cracking. Elastomers, packing, and similar inner parts exposed to H_2S shall be resistant at the maximum anticipated temperature of exposure.

C. *Mud Program.* (1) Either water- or oil-base muds are suitable for use in drilling formations containing H_2S.

(2) A pH of 10.0 or above shall be maintained in a water-base mud system to control corrosion and prevent sulfide stress cracking.

(3) Consideration shall also be given to the use of H_2S scavengers in both water- and oil-base mud systems.

(4) Sufficient quantities of additives shall be maintained on location for addition to the mud system as needed to neutralize H_2S picked up by the system when drilling in formations containing H_2S.

(5) The application of corrosion inhibitors to the drill pipe to afford a protective coating or their addition to the mud system may be used as an additional safeguard to the normal protection of the metal by pH control and the scavengers mentioned above.

(6) Drilling mud containing H_2S gas shall be degassed at the optimum location for the particular rig configuration employed. The gases so removed shall be piped into a closed flare system and burned at a suitable remote stack.

D. *General operations.* All personnel in the working area shall utilize H_2S protective-breathing apparatus when required, as specified in paragraph 6A(2). The normal fixed-point monitor system outlined in paragraph 6A(4) may be supplemented with portable H_2S detectors as conditions warrant.

(1) *Drill string trips or fishing operations.* Every effort shall be made to pull a dry drill string while maintaining well control. If it is necessary to pull the drill string wet after penetration of H_2S-bearing zones, increased monitoring of the working area shall be provided and protective-breathing apparatus shall be worn under conditions as outlined in paragraph 6A(2)(a).

(2) *Circulating bottoms-up from a drilling break, cementing operations, logging operations, or well circulation while not drilling.* After penetration of an H_2S-bearing zone increased monitoring of the working area shall be provided and protective-breathing apparatus shall be worn by those personnel in working area in accordance with the requirements in paragraph 6A(2)(a).

(3) *Coring operations in H_2S-Bearing Zones.* Personnel protective-breathing apparatus shall be worn 10-30 stands in advance of retrieving the core barrel. Cores to be transported shall be sealed and marked for the presence of H_2S.

(4) *Abandonment or temporary abandonment operations.* Internal well-abandonment equipment shall be designed for H_2S service.

(5) *Logging operations after penetration of known or suspected H_2S-Bearing Zones.* Mud in use for logging operations shall be conditioned and treated to minimize the effects of H_2S on the logging equipment.

(6) *Stripping operations.* Displaced mud returns shall be monitored and protective-breathing apparatus worn if H_2S is detected at levels outlined for protective-breathing apparatus under paragraph 6A(2).

(7) *Gas-cut mud or well kick from H_2S-Bearing Zones.* Protective-breathing apparatus shall be worn when an H_2S concentration of 20 parts per million is detected. Should a decision be made to circulate out a kick, protective-breathing apparatus shall be worn prior to and subsequent to bottoms-up, and at any time during an extended kill operation that the concentration of H_2S becomes hazardous to personnel as defined in paragraphs 6A(2)(a).

(8) *Drill string precautions.* Precautions shall be taken to minimize drill string stresses caused by conditions such as excessive dogleg severity, improper stiffness ratios, improper torque, whip, abrasive wear on tool joints, and joint imbalance. American Petroleum Institute Bulletin RP 7G shall be used as a guideline for drill string precautions. Tool-joint compounds containing free sulphur shall not be used. Proper handling techniques shall be employed to minimize notching, stress concentrations, and possible drill pipe failures.

(9) *Flare system.* The flare system shall be designed to safely gather and burn H_2S gas. Flare lines shall be located as far from the drilling facility as feasible in a manner to compensate for wind changes. The flare system shall be equipped with a pilot and an automatic igniter. Backup ignition for each flare shall be provided.

E. *Kick detection and well control.* In addition to the requirements of paragraph 3 of this Order, all efforts shall be made to prevent a well kick as a result of gas-cut mud, drilling breaks, lost circulation, or trips for bit change. Drilling rate changes shall be evaluated for the possibility of encountering abnormal pressures, and mud weights adjusted in an effort to compensate for any hydrostatic imbalance that might result in a well kick.

In the event of a kick, the disposal of the well influx fluids shall be accomplished by one of the following alternatives, giving consideration to personnel safety, possible environmental damage, and possible facility well equipment damage:

(i) *Alternative A.* To contain the well fluid influx by shutting in the well and pumping the fluids back into the formation.

(ii) *Alternative B.* To control the kick by using appropriate well-control techniques to prevent formation fracturing in open hole within the pressure limits of well equipment (drill pipe, casing, wellhead, blowout preventers, and related equipment). The disposal of H_2S and other gases shall be through pressured or atmospheric mud-gas separator equipment, depending on volume pressure and concentration of H_2S gas. The equipment shall be designed to recover drilling mud and to vent to the atmosphere and burn the gases separated. The mud system shall be treated to neutralize H_2S and restore and maintain the proper mud quality.

F. Well Testing in an H_2S Environment.—(1) *Procedures.* (a) Well testing shall be performed with a minimum number of personnel in the immediate vicinity of the rig floor and test equipment to safely and adequately perform the test and maintain related equipment and services.

(b) Prior to initiation of the test, special safety meetings shall be conducted for all personnel who will be on the drill facility during the test, with particular emphasis on the use of personnel protective-breathing apparatus, first-aid procedures, and the H_2S Contingency Plan.

(c) During the test, the use of H_2S detection equipment shall be intensified. All produced gases shall be vented and burned through a flare system which meets the requirements of paragraph 6D(9). Gases from stored test fluids shall be vented into the flare system.

(d) "No Smoking" rules in the approved Contingency Plan of paragraph 6A(3) of this Order shall be rigorously enforced.

(2) *Equipment.* (a) Drill-stem test tools and wellhead equipment shall be suitable for H_2S service.

(b) Tubing which meets the requirements for H_2S service shall be used for drill stem testing. Drill pipe shall not be used for drill stem tests without the prior approval of the District Engineer. The water cushion shall be thoroughly inhibited in order to prevent H_2S corrosion. The test string shall be flushed with treated fluid for the same purpose after completion of the test.

(c) All surface test units and related equipment shall be designed for H_2S service. Only competent personnel who are trained in and knowledgeable of the hazardous effects of H_2S shall be utilized in these tests.

7. *Critical operations and curtailment plans.* Certain operations performed in drilling are more critical than others with respect to well control, fire, explosion, oil spills, and other discharge or emissions. These operations may occur during drilling, running casing, logging, drill-stem testing, well completion, or wireline operations.

Each operator shall file with the District Engineer for approval of a Critical Operations and Curtailment Plan for the lease, which shall contain:

A. A list or description of the more critical drilling operations that are or are likely to be conducted on the lease. Such list or description shall specify the operations to be ceased, limited, or not to be commenced under given circumstances or conditions. The list shall include operations such as:

(1) Drilling in close proximity to another producing well.
(2) Drill-stem testing.
(3) Running and cementing casing.
(4) Cutting and recovering casing.
(5) Logging or wireline operations.
(6) Well completion operations.

B. A list or description of circumstances or conditions under which such critical operations shall be circulated. This list or description shall be developed from all the factors and conditions relating to the conduct of operations on the lease, and shall consider but necessarily not be limited to the following:

(1) Whether the drilling operations are to be conducted from mobile or fixed platforms.
(2) The availability and capability of containment and cleanup equipment.
(3) Abnormal or unusual characteristics expected to be encountered during drilling operations.
(4) Spill control system response time.
(5) Known or anticipated meteorological or oceanographical conditions.
(6) Availability of personnel and equipment for the particular operation to be conducted.
(7) Other factors peculiar to the particular lease under consideration.

C. When any such circumstance or condition listed or described in the plan occurs or other operational limits are encountered, the operator shall notify the District Engineer and shall curtail the more critical operations as set forth under A. above. In the conduct of the more critical operations, full consideration shall be given to pertinent factors such as supply of well control materials, subsurface conditions, inventory of spill-containment equipment, weather conditions, particular esthetic conditions, fire hazards, available transportation equipment, spill-control response time, and nature of work planned.

D. Any departures in the plan shall require prior approval by the District Engineer.

E. The operator shall review the plan at least annually. Notification of the review and any amendments or modifications to the plan shall be filed with the District office.

F. J. SCHAMBECK,
Oil and Gas Supervisor,
Pacific Area.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-30954 Filed 11-14-75;8:45 am]

Office of the Secretary

GARY E. ADAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 1, 1975.

Dated: November 1, 1975.

GARY E. ADAMS.

[FR Doc.75-30935 Filed 11-14-75;8:45 am]

LEWIS K. AMBROSE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) Virginia Electric Power Company, 200 shares stock, value—$2,500.

This statements is made as of October 4, 1975.

Dated: October 9, 1975.

LEWIS K. AMBROSE.

[FR Doc.75-30936 Filed 11-14-75;8:45 am]

EDWARD R. COWLES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) No change.
(3) No change.
(4) None.

This statement is made as of October 4, 1975.

Dated: October 17, 1975.

EDWARD R. COWLES.

[FR Doc.75-30937 Filed 11-14-75;8:45 am]

WILLIAM A. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 12, 1975.

Dated: October 27, 1975.

WILLIAM A. DAVIS,
Director, DEPA Area 14.

[FR Doc.75-30938 Filed 11-14-75;8:45 am]

EDWARD C. GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 23, 1975.

Dated: October 27, 1975.

EDWARD C. GLASS,

[FR Doc.75-30939 Filed 11-14-75;8:45 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 5, 1975.

Dated: October 30, 1975.

DONALD B. GREGG.

[FR Doc.75-30940 Filed 11-14-75;8:45 am]

FREDERICK W. HOEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) Sold 30 Boston Edison Co. shares.
(2) Purchased 15 Boston Edison Co. shares.
(3) No change.
(4) No change.

This statement is made as of October 4, 1975.

Dated September 29, 1975.

FREDERICK W. HOEY.

[FR Doc.75-30941 Filed 11-14-75;8:45 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Purchased additional shares of Crown Zellerbach, Lord Abbett Fund, Potomac Electric Power Company, Wisconsin Electric Power Company and Wisconsin Gas Company. Purchased Davenport Osteopathic Hospital bonds. Sold all stock in Great Northern Nekoosa Corp.
(3) No change.
(4) No change.

This statement is made as of November 23, 1975.

Dated: October 29, 1975.

EVAN W. JAMES.

[FR Doc.75-30942 Filed 11-14-75;8:45 am]

J. SCOTT KAY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 4, 1975.

Dated: October 31, 1975.

J. SCOTT KAY.

[FR Doc.75-30943 Filed 11-14-75;8:45 am]

MARTIN T. QUIGLEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) No change.
(3) None.
(4) None.

This statements is made as of November 1, 1975.

Dated: November 3, 1975.

MARTIN T. QUIGLEY.

[FR Doc.75-30944 Filed 11-14-75;8:45 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) Appointed Senior Vice President—Wisconsin Electric Power Co.; appointed Vice Pres.-Admin. & Director—Wisconsin Natural Gas Company; appointed Vice Pres.-Admin.—Wisconsin Michigan Power Co.
(2) Add: First Trust Insured Mortgage Bonds (Series 3 & 5) Carnation; Sigma-Aldrich; Exxon; Schlitz.
Delete: Velcro Industries; Aldrich Chemical.
(3) No change.
(4) No change.

This statement is made as of October 29, 1975.

Dated: October 29, 1975.

NICHOLAS A. RICCI.

[FR Doc.75-30945 Filed 11-14-75;8:45 am]

JOHN ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 20, 1975.

Dated: October 23, 1975.

JOHN ROLFING.

[FR Doc.75-30946 Filed 11-14-75;8:45 am]

JOHN V. SALO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) Increase in holdings by 25 shares of Public Service Co. of New Hampshire Common Stock.
(3) No change.
(4) No change.

This statement is made as of October 4, 1975.

Dated: October 14, 1975.

JOHN V. SALO,
Deputy Director, DEPA Area 1, Public Service Co. of NH.

[FR Doc.75-30947 Filed 11-14-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting; Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on December 2, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: November 13, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc.75–31139 Filed 11–14–75;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 103]

BARLEY—ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Application for the 1976 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for barley crop insurance in all counties in Arizona and California where such insurance is otherwise authorized to be offered is hereby extended until the close of business on November 15, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75–30899 Filed 11–14–75;8:45 am]

WHEAT—ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance in all counties in Arizona and California where such insurance is otherwise authorized to be offered is hereby extended until the close of business on November 15, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75–30898 Filed 11–14–75;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records; Amendment

Notice is hereby given that the Department of Agriculture (USDA) is adding the following routine use to the Routine Use paragraph of each system of records published in the FEDERAL REGISTER August 27, 1975 (40 FR 38897) and September 19, 1975 (40 FR 43466) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

This amendment was recommended by the Office of Management and Budget in a memorandum dated October 3, 1975, to the heads of Executive Departments and Establishments. The purpose of adding this routine use is to obviate the need for obtaining the written consent of the constituent in every case where the constituent has requested assistance from a member of Congress which requires disclosure of information pertaining to the constituent and subject to the Privacy Act.

Interested persons may submit written comments on this addition to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Room 2321–S, Washington, D.C. 20250. All comments must be received on or before December 17, 1975. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 14th Street and Independence Avenue, SW., Washington, D.C. 20250.

Dated: November 12, 1975.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.75–30959 Filed 11–14–75;8:45 am]

Soil Conservation Service

BLACKWOOD CREEK WATERSHED PROJECT, NEBRASKA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Blackwood Creek Watershed Project, Hayes, Hitchcock, and Red Willow Counties, Nebraska, USDA–SCS–EIS–WS–(ADM)–76–1–(F)–NE.

The environmental impact statement concerns a plan for watershed protection (conservation land treatment) and flood prevention. The planned works of improvement provide for conservation land treatment and 13 floodwater retarding structures.

The final environmental impact statement has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Federal Building-U.S. Courthouse, Room 345, Lincoln, Nebraska 68508

Dated: November 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–30931 Filed 11–14–75;8:45 am]

DUTCHMAN CREEK WATERSHED PROJECT DAVIE, YADKIN AND IREDELL COUNTIES, NORTH CAROLINA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dutchman Creek Watershed Project, Davie, Yadkin and Iredell Counties, North Carolina.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, USDA, 310 New Bern Avenue, Raleigh, North Carolina 27611, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by four single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Room 524, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611.

No administrative action on implementation of the proposal will be taken on or before December 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 10, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–30933 Filed 11–14–75;8:45 am]

SOUTH FLORIDA CONSERVANCY DISTRICT WATERSHED PROJECT, FLORIDA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Florida Conservancy District Watershed Project, Palm Beach and Hendry Counties, Florida.

The environmental assessment of this federal action indicates that the project

will not create significant adverse local, regional, or national impacts on the environment, and that no significant controversy is associated with the project. As a result of these findings, Mr. William E. Austin, State Conservationist, Soil Conservation Service, USDA, 234 Federal Building, 401 S.E. First Avenue, P.O. Box 1208, Gainesville, Florida 32602, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by renovation of man-made channels. There are 120 miles of combination drainage-irrigation channels involved as described in the negative declaration.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 1208, 234 Federal Building, 401 S.E. First Avenue, Gainesville, Florida 32602.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before December 2, 1975.

Dated: November 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-30932 Filed 11-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23(74)-2; Case No. 495(CP-42)]

FAIRCHILD AUTOMATION SYSTEMS GmbH

Order Imposing Civil Penalty and Placing Respondent on Probation for Export Control Violations

In the matter of Fairchild Automation Systems GmbH, 6202 Wiesbaden Biebrich, Hagenauerstrasse 38, Federal Republic of Germany, Respondent, File No. 23(74)-2, Case No. 495 (CP-42).

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, issued a charging letter of January 28, 1975, charging the above respondent with violations of the Export Administration Act of 1969, and regulations thereunder. Specifically, it alleged that the respondent had violated §§ 387.2, 387.4, and 387.6 of the Export Administration regulations (hereinafter, the export regulations), in that it reexported or caused to be reexported to Ottokar Svoboda Techniche Geraete und Anlagen (Svoboda), Austria, a component testing system without obtaining the required authorization for such reexportation. The respondent's answer dated September 23, 1975, did not deny the facts contained in the charging letter. It did, however, state that the reexportation was arranged by an employee acting on his own behalf, to the detriment of the company; that payment has never been received for the commodities involved and that continuing efforts have been made to recover the equipment. The files also reflect that the employe, has been discharged from the company. Changes in export procedures have also been initiated to avoid future violations.

Pursuant to § 388.10 of the export regulations, the Office of General Counsel with agreement of the Director, Compliance Division, submitted to the Hearing Commissioner a consent proposal for the issuance of an order imposing a civil penalty and placing the respondent on probation for six months. In said consent proposal the respondent admitted for the purpose of this compliance proceeding only, did not contest or deny the violations set forth in the charging letter of January 28, 1975. The respondent waived: (1) All rights to oral hearing before the Hearing Commissioner; (2) all rights of administrative appeal from and judicial review of said order; and (3) all rights to request refund of any civil penalty imposed pursuant to the consent proposal. It consented to an order imposing the civil penalty hereinafter set forth and probation for six months.

The Hearing Commissioner has considered the facts in the case and the respondent's proposal. He has approved the proposal and recommended that it be accepted. The undersigned, having considered the Hearing Commissioner's report and the consent proposal, finds that:

1. The respondent Fairchild GmbH, is a German corporation. Its principal business at the time of the violation, was the sale and servicing in Europe of mechanical, electrical and electronic instruments and instrument systems.

2. The respondent reexported or caused to be reexported from the Federal Republic of Germany to Austria, a Model No. 1264 Fairchild Programmable Automatic Transistor Tester (PATT) Component Testing System. The equipment was valued at approximately $30,600.

3. The respondent knew that the reexportation described above, was without the required authorization of the Office of Export Administration.

4. Since the reexportation authorization had not been obtained from the Office of Export Administration, said office was precluded from approving the ultimate consigneee as a recipient of the system.

Based upon the foregoing, I have concluded that the respondent violated §§ 387.2, 387.4, and 387.6 of the export regulations in that it knowingly reexported the PATT system from the Federal Republic of Germany to Vienna, Austria, in the manner charged and as set forth above and in the Hearing Commissioner's findings of fact.

On consideration of the record in the case, I hereby accept the consent proposal: *and it is hereby ordered,*

I. Pursuant to § 388.1 of the export regulations, a civil penalty of one thousand dollars ($1,000) is imposed on the respondent. Said sum is to be paid to the Treasurer of the United States.

II. In addition to the imposition of a civil penalty, the respondent is placed on probation for a period of six months from the effective date of the order. The conditions of probation are that the respondent shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended and all regulations, licenses, and orders issued thereunder.

III. Upon a finding by the Director, Office of Export Administration, of such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of the order or with any of the conditions of probation, said official without notice when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of the respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the period of the order. Such supplemental order shall not preclude the Bureau of East-West Trade from taking such further action for any violations as it shall deem warranted. On the entry of a supplemental order revoking the respondent's probation without notice, he may file objections and request an oral hearing as provided in § 388.16 of the United States Export Administration Regulations, but pending such further proceedings, the denial order shall remain in effect.

IV. A copy of this order shall be served on the respondent.

Dated: November 10, 1975.

LAWRENCE J. BRADY,
Assistant Director, Office of Export Administration.

[FR Doc.75-30934 Filed 11-14-75;8:45 am]

UTICA FARMS MUSHROOMS, INC.

Petition for Determination

A petition by Utica Farms Mushrooms, Inc., of Utica, Michigan, was accepted for filing on November 11, 1975, under Section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 144.10, 144.12 and 144.20 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with mushrooms produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of November 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

JACK W. OSBURN, Jr.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30987 Filed 11-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Subcommittee on Nuclear Medicine of the Medical Radiation Advisory Committee.	Dec. 1, 7:30 a.m., Sunset Room, Chicago Athletic Association, 12000 Michigan Ave., Chicago, Ill.	Open public hearing/open committee discussion 7:30 to 8:45 a.m.; Peter Paras, Ph. D. (HFX-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2814.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of subcommittee organization; clinical guidelines for radiation exposure; quality control in nuclear medicine; and discussion of nuclear medicine information system—pilot report.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Ear, Nose and Throat Devices.	Dec. 1 and 2, 9:30 a.m., 200 C St. SW., Washington, D.C., Room 1400, FB-8 on Dec. 1, Room 6821, FB-8 on Dec. 2.	Open public hearing Dec. 1, 9:30 to 11:30 a.m.; open committee discussion Dec. 1, 11:30 a.m. to 12 noon; closed committee deliberations Dec. 1, 1:30 to 4:30 p.m., Dec. 2, 9:30 a.m. to 4:30 p.m.; Harry R. Sauberman (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3570.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ear, nose, and throat devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification findings for ear, nose, and throat devices. Several guest speakers will make presentations during the open hearing. Speakers will review the relationships of regulatory laws between federal and state agencies, present medical and scientific opinions on antichoke devices, discuss areas in which biomedical engineering has made significant contributions to the techniques of ear surgery, and review the state-of-the-art of the cochlear prosthesis. The industry representative will brief the panel on industry discussions at Inter-Society meetings.

Open committee discussion. The status of FDA's proposed standard and labeling guidelines for hearing aids will be reviewed.

Closed committee deliberations. The panel will review (a) the overall classification results for ear, nose, and throat devices; (b) the priority listing of those devices placed in the standards category. Criteria will be discussed as it applies to the development of standards for the devices that have been assigned to this category. Ear, nose, and throat standards developed by other organizations will be reviewed, depending on their availability. Formation of panel subcommittees will be discussed in order to begin work in specific device areas. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Dentifrices and Dental Care Agents.	Dec. 3 and 4, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 3, 9 to 10 a.m.; closed committee deliberations Dec. 3, 10 a.m. to 4:30 p.m., Dec. 4, 9 a.m. to 4:30 p.m., Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) dentifrices and dental care agents. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of General and Plastic Surgery Devices.	Dec. 4, 8 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 8 to 9 a.m.; closed committee deliberations 9 a.m. to 3:30 p.m.; Mark F. Parrish, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and plastic surgery devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of surgical sutures listed in this announcement to Mark F. Parrish, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The following sutures will be classified: Absorbable sutures—catgut (chromic, plain), synthetic (polyglycolic acid, polyglycolic-lactic acid); nonabsorbable sutures—cotton, silk, steel (monofilament, multifilament), synthetic (polyamide, polyester, polyethylene, polypropylene). The panel will review its entire device list for the preparation of a preliminary classification report. It will continue the review of medical devices tentatively classified into the Standards category for the purpose of setting priorities for the development of standards for these devices. These matters are being discussed in closed session to allow the free exchange of internal views among panel members (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Physical Medicine (Physiatry) Devices.	Dec. 5, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to 4 p.m.; Johnsie W. Bailey (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of physical medicine (physiatry) devices to Johnsie W. Bailey, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The panel will review recommendations from the diathermy, electrodiagnostic, orthotic, and prosthetic subcommittees. There will be a discussion of standard priorities for presentation at the Panel Chairmen's meeting in December. This meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
6. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	Dec. 5, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to 4:30 p.m.; Gerald Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergeric and/or immunologic mechanisms.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Discussion of NDA 17-573, NDA 17-559, NDA 16-990, NDA 16-991, and Bronchodilator Clinical Testing Guidelines. This portion of the meeting will be closed to permit discussion of trade secret data, free exchange of internal views, and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Skin Test Antigens.	Dec. 5 and 6, 9 a.m., Room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Dec. 5, 9 to 10 a. m.; closed committee deliberations Dec. 5, 10 a.m. to adjournment Dec. 6; Clay Sisk (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of biological products.

Agenda—Open public hearing. Discussion of minutes of previous meeting; interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Final review of data submissions from skin test antigen manufacturers and final editing of the report to the Commissioner of Food and Drugs. This portion of meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Gastroenterology and Urological Devices.	Dec. 8, 9:30 a.m., Room 6821, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing 9:30 to 10:30 a.m.; closed committee deliberations 10:30 a.m. to 4 p.m.; Thomas L. Anderson, M.D. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of gastroenterology-urological devices.

Agenda—Open public hearing. Interested parties are encouraged to present information about classification of all devices, gastroenterological, urological, and dialysis, which have been classified by this panel, to Thomas L. Anderson, M.D., Executive Secretary.

Closed committee deliberations. The panel will review all of the devices that have been tentatively classified thus far for any revisions in classification that may be appropriate. The reason for closing the meeting is to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of General Hospital and Personal Use Devices.	Dec. 8, 9 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 9:30 a.m.; open committee discussion 9:30 to 10 a.m.; closed committee deliberations 10 a.m. to 4:30 p.m.; William C. Dierksheide, Ph. D. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and personal use devices.

Agenda—Open public hearings. Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices listed in this announcement to William C. Dierksheide, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The panel will review and discuss comments received on the proposed infant/incubator standard.

Closed committee deliberations. The panel will classify the following medical devices: Airflow unit, laminar; autoclaves, gas; autoclaves, steam; cabinets, aerator; ethylene oxide gas sterilization; sterilizer, bedpan; sterilizer, portable; sterilizer, ultrasonic; sterilizers, gas; sterilizers, steam; tape, sterilizer indicators; bracelet, adult identification; bracelet, infant identification; printing pad, foot, pediatrics; razor, skin preparation; bath aid; chair, commode, dispenser, soap, bactericidal; ostomy, body waste; warmer, solution; gas and steam sterilization indicators; single use CSR rap; gas sterilization pouch; gas decontamination pouch; pouch for asceptic removal; suction respiratory units; implantable glucose sensor, experimental; hot packs (chemical); cold packs (chemical); surgical isolator; patient isolator; bed, silicone; cabinet, formaldehyde; oxygen analyzers—noninvasive, neonatal. This meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee and agency operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
10. Gastrointestinal Drugs Advisory Committee.	Dec. 8 and 9, 10 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 8, 10 to 11 a.m.; open committee discussion Dec. 8, 10 a.m. to 4 p.m.; closed committee deliberations Dec. 8, 4 to 5:30 p.m.; open committee discussion Dec. 9, 10 a.m. to 4 p.m.; Joan C. Standaert (HFD–110), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion will involve development of protocols for therapy of esophagitis; evaluation of protocols for therapy with antiflatulents, therapy for gastric ulcer, pancreatitis, proctitis, and ulcerative colitis.

Closed committee deliberations. Discussion of IND 9-899. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Dec. 8 and 9, 9 a.m., room 121, Building 29, National Institute of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Dec. 8, 9 to 10 a.m.; closed committee deliberations Dec. 8, 10 a.m. to adjournment Dec. 9; Jack Gerzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Discussion of previous minutes; any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Review of the draft panel report with FDA officials. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
12. Arthritis Advisory Committee.	Dec. 11 and 12, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 11, 9 to 10 a.m.; open committee discussion Dec. 11, 10 a.m. to 4:30 p.m., Dec. 12, 9 to 11 a.m.; closed committee deliberations Dec. 12, 11 a.m. to 1 p.m.; C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20752, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Advisory committee review of new drug submissions; guidelines for clinical testing nonsteroidal anti-inflammatory drugs in adults; guidelines for clinical testing of nonsteroidal anti-inflammatory drugs in infants and children; and the development of a nonsteroidal anti-inflammatory agent.

Closed committee deliberations. Review of IND's and NDA's presently under consideration; discussion of subjects reviewed in open session. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
13. Immunology Subcommittee of the Diagnostic Products Advisory Committee.	Dec. 11 and 12, 9 a.m. on Dec. 12, 330 Independence Ave. SW., Washington, D.C., Room 4173, HEW-N on Dec. 11, Room 5169, HEW-N on Dec. 12.	Closed committee deliberations Dec. 11, 9 to 5 p.m.; open public hearing Dec. 12, 9 to 10 a.m.; open committee discussion Dec. 12, 10 to 11 a.m.; closed committee deliberations Dec. 12, 11 a.m. to 5 p.m.; Joseph L. Hackett, Ph. D. (HFK-300), 5600 Fishers Lane Rockville, Md. 20852, 301-443-4590.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Closed committee deliberations. December 11: The subcommittee will discuss the classification of in vitro immunology diagnostic products. It will also classify the following products: Pregnancy test kits; radioimmunoassay products (carcino-embryonic-antigen, desoxyribonucleic acid, human chorionic gonadotropin, human placental lactogen-human chorionic somatropin); guinea pig complement and hemolysin; human complement kits; labeled and unlabeled human complement antibody; C-reactive protein kits; rheumatoid factor kits; lupus erythrmatosus kits; thyroid auto antibody; indirect immunofluorescent antibody tests (anti-nuclear antibody, anti-mitochondrial antibody, anti-smooth muscle antibody, anti-parietal antibody, anti-reticulin antibody, multiple autoantibodies); support gels; simple diffusion plates and human plasma proteins (radial immunodiffusion kits, labeled and unlabeled antibody to human plasma proteins, human plasma protein antigens and controls, reverse immunodiffusion kits). This portion of the

meeting will be closed to protect the free exchange of internal views of committee members (5 U.S.C. 552(b)(5)).

Open public hearing. Interested parties are encouraged to present information pertinent to the classification of immunology diagnostic products listed in this announcement to Srikrishna Vadlamudi, Ph.D., D.V.M., Head of Classification, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, (301) 443-2376. All other information pertinent to in vitro immunologic products should be presented to Joseph L. Hackett, Ph.D., Executive Secretary, (address above).

Open committee discussion. The goals of the Immunology subcommittee regarding their recommendations concerning all types of diagnostic products for the detection of human chorionic gonadotropin will be discussed.

Closed committee deliberations. There will be a continued discussion concerning alpha-fetoprotein antibody as an in vitro diagnostic product for the detection of cancer in humans. It is necessary to close the presentation to protect trade secret data of the manufacturer. December 12: The subcommittee will continue to formulate recommendations regarding alpha-fetoprotein antibody used as an in vitro immunological product for the detection of cancer in humans. The session will be closed to protect the free exchange of internal views and to form recommendations concerning regulatory activities (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Dec. 11 and 12, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 11, 9 to 10 a.m.; closed committee deliberations Dec. 11, 10 a.m. to 4:30 p.m., Dec. 12, 9 a.m. to 4:30 p.m.; Armond Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) contraceptives and other vaginal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Oral Cavity Drug Products.	Dec. 11 and 12, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 11, 9 to 10 a.m.; closed committee deliberations Dec. 11, 10 a.m. to 4:30 p.m., Dec. 12, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) oral cavity drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Neurology Devices.	Dec. 12 and 13, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Dec. 12, 9:30 to 11 a.m., closed committee deliberations Dec. 12, 11 a.m. to 4 p.m., Dec. 13, 9 a.m. to 4 p.m.; James R. Veale (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of neurological devices.

Agenda—Open public hearing. Presentations will be made on behavioral modification devices and biofeedback devices. Interested parties are encouraged to present information pertinent to the classification of these devices to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The panel will classify biofeedback and behavioral devices. They will also review previous classification results. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Ophthalmic Drugs.	Dec. 12 and 13, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 12, 9 to 10 a.m.; closed committee deliberations Dec. 12, 10 a.m. to 4:30 p.m., Dec. 13, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) ophthalmic drug products. This portion of the meeting is closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
18. Obstetrics and Gynecology Advisory Committee.	Dec. 15 and 16, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 15, 9 to 10 a.m.; open committee discussion Dec. 15, 10 to 11 a.m.; closed presentation of data Dec. 15, 11 a.m. to 2 p.m.; closed committee deliberations Dec. 15, 2 to 4 p.m.; open committee discussion Dec. 16, 9:30 a.m. to 1 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed presentation of data. The sponsor will present pre-NDA evidence demonstrating the safety and efficacy of an analogue of prostaglandin. This portion of the meeting will be closed to permit discussion of clinical data involving patient and medical files (5 U.S.C. 552(b)(6)).

Closed committee deliberations. Discussion of NDA 17-715 previously considered by the committee and for which the committee has requested additional information. This portion of the meeting will be closed to protect trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Dental Devices.	Dec. 16 and 17, 9 a.m., Room 1137, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Dec. 16, 9 a.m. to 3 p.m.; open committee discussion Dec. 17, 9 to 10 a.m.; closed committee deliberations Dec. 17, 10 a.m. to 2 p.m.; Darryl G. Singleton, D.D.S. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices.

Agenda—Open public hearing. Interested parties are encouraged to present data pertinent to the classification of oral implants listed in this announcement to Darryl G. Singleton, D.D.S., Executive Secretary. Submission of data relative to tentative classification findings is also invited. A presentation will also be made by Dr. Donald Thompson of the Bureau of Radiological Health concerning test results on porcelain teeth. Presentations will also be made by Implant Research Corporation and Oratronics, Inc. about their implant devices.

Open committee discussion. Discussion of data will be made on cyanoacrylates.

Closed committee deliberations. The panel will discuss subcommittee formation and functions. They will also discuss the listing of ten devices that were put on the list for priority. The reason for closing this portion of the meeting is to protect free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
20. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	Dec. 17, 18, and 19, 9 a.m. on Dec. 19, Room 4173, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Closed committee deliberations Dec. 17, 9 a.m. to 4:30 p.m., Dec. 18, 9 a.m. to 4:30 p.m.; open public hearing Dec. 19, 9 to 10 a.m.; closed committee deliberations Dec. 19, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) cold, cough, allergy, bronchodilator and antiasthmatic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Open public hearing. During this portion any interested person may present data, information, or views, orally or writing, on issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
21. Hematology Subcommittee of the Diagnostic Products Advisory Committee.	Dec. 18 and 19, 9 a.m. on Dec. 19, Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Closed committee deliberations Dec. 18, 9 a.m. to 5 p.m.; open public hearing Dec. 19, 9 to 10 a.m.; closed committee deliberations Dec. 19, 10 a.m. to 5 p.m.; Alfred Bracey (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4943.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Closed committee deliberations. December 18: The subcommittee will classify in vitro hematological diagnostic products, specifically (1) blood cell stains, (2) hemaglobin determination, (3) erythrocyte enzymes determination, (4) abnormal hemoglobin determination. This portion of the meeting will be closed to protect the free exchange of internal views and to prevent undue interference with committee operations (5 U.S.C. 552(b)(5)).

Open public hearing. Interested parties are encouraged to present information pertinent to the classification of hematological in vitro diagnostic products listed in this announcement to Dr. Vadlamudi, Head of Classification, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, (301) 443-2376. Information pertaining to portions of the agenda not related to classification may be presented to Mr. Alfred Bracey, Executive Secretary (address above).

Closed committee deliberations. December 19: Review performance requirement criteria for hemoglobin and prothrombin time product class standards. Portions of the meeting will be devoted to interagency memoranda (CDC); and to discussion of the development of regulatory standards. This portion of the meeting will be closed to protect the free exchange of internal views and to prevent undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
22. Panel on Review of Antiperspirant Drug Products.	Dec. 18 and 19, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 18, 9 to 10 a.m.; closed committee deliberations Dec. 18, 10 a.m. to 4:30 p.m., Dec. 19, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antiperspirant drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
23. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Dec. 18 and 19, 9 a.m., Room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Dec. 18, 9 to 10 a.m.; open committee discussion Dec. 18, 10 a.m. to 5 p.m.; closed presentation of data Dec. 19, 9 to 11 a.m.; closed committee deliberations Dec. 19, 11 a.m. to 5 p.m.; Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of biological products.

Agenda—Open public hearing/open committee discussion. Discussion of minutes from previous meeting; presentation by staff members on the Bureau's hepatitis research program; any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed presentation of data. The two licensed producers of subunit influenza vaccines, at their request, will present information on, and discuss, their products. Since the discussion will include medical and clinical reports, the portion of the meeting will be closed in accordance with (5 U.S.C. 552(b)(6)).

Closed committee deliberations. Review of (a) the draft panel report; (b) specific "subunit" influenza vaccine product; (c) Bureau of Biologics hepatitis research program. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
24. Panel Chairmen for bureau of Medical Devices and Diagnostic Products.	Dec. 19, 9 a.m., Room 5169, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 a.m. to 2 p.m.; closed committee deliberations 2 p.m.; Robert S. Kennedy, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Agenda—Open public hearing. Discussion of medical devices in the United States as compared with the Russian system; update on the status of medical device legislation; discussion of the use of advisory committees by FDA; the role of the nonvoting consumer representative on the panels; update and review of classification results to date. Interested persons wishing to address the Panel Chairmen concerning medical device classification should contact Robert S. Kennedy, Ph.D. (HFK-400), Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, 5600 Fishers Lane, Rockville, MD 20852 (301-443-2376).

Closed committee deliberations. Discussion of intrapanel priorities for standards development. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be alowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and

investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentations of any other data or information that is not exempt from public disclosure.

Dated: November 11, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-30958 Filed 11-14-75;8:45 am]

[Docket No. 75N-0302]

AGRI-TECH, INC.

Iodinated Casein; Notice Vacating in Part Withdrawal of Approval of New Animal Drug Applications

The Commissioner of Food and Drugs is vacating in part his withdrawal of approval of certain new animal drug applications for iodinated casein.

The Commissioner issued, in the FEDERAL REGISTER of October 8, 1970 (35 FR 15859), a notice setting forth the following conclusions of the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group and the Commissioner regarding the drug:

1. Iodinated casein is effective for increasing milk production in dairy cows when the labeling is qualified as follows: Effective for limited periods of time; effectiveness is limited to the declining phase of lactation; administration must be accompanied with increased feed intake and may increase heat sensitivity of the animal.

2. Iodinated casein is effective for improving growth and feathering in growing ducks when the labeling is qualified as follows: For increased rate of weight gains for (under appropriate conditions of use).

3. Iodinated casein is not effective for improving growth and feathering in turkeys and chickens, increasing milk flow in nursing sows, or improving egg production and egg shell texture in chickens.

4. The information provided did not contain substantial evidence of effectiveness of iodinated casein for improving fertility in bulls; increasing milk production in goats, beef cows, and sheep; in improving fertility in boars, goats, and sheep or for improving rate of gain in dairy cattle, sheep, and goats.

In addition to announcing these conclusions, the notice invited the holders of new animal drug applications for this drug and any other interested persons to submit pertinent data on the drug's effectiveness.

The Commissioner issued, in the FEDERAL REGISTER of August 28, 1971 (36 FR 17367), a notice proposing the withdrawal of approval of all new animal drug applications for the use of iodinated casein. Because the NAS/NRC and the Commissioner had concluded that substantial evidence of effectiveness existed to support only two of the multiple conditions of use contained in the drug's labeling, this action was proposed because there was a lack of substantial evidence that the drug was effective for all conditions of use prescribed, recommended, or suggested in its labeling. The notice further provided the holders of such applications and any other interested persons an opportunity for a hearing on whether approval of such new animal drug applications should be withdrawn.

Agri-Tech, Inc., 4722 Broadway, Kansas City, MO 64112, holder of NADA's 5-633V and 5-987V for iodinated casein, requested a hearing to determine whether approval of its applications should be withdrawn. The labeling for Agri-Tech's products contained, in addition to conditions of use for which the NAS/NRC concluded that iodinated casein is effective, conditions of use for which the NAS/NRC concluded that no substantial evidence of effectiveness existed; however, Agri-Tech's request for a hearing was not supported by a well-organized and full-factual analysis of clinical and other investigational data demonstrating substantial evidence of the drug's effectiveness for the unsubstantiated claims. For this reason, the Commissioner concluded that no genuine and substantial issues of fact existed that justified a hearing or precluded the withdrawal of approval of the applications. Therefore, based on new information before him with respect to the drug, evaluated together with the evidence available to him when the applications were approved, the Commissioner concluded that there was a lack of substantial evidence that the drug had the effect it purported or was represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, and approval of the new animal drug applications was withdrawn and a notice so stating was published in the FEDERAL REGISTER of March 4, 1972 (37 FR 4730).

Agri-Tech requested, in a letter of March 2, 1972, the Commissioner to stay the effective date of the withdrawal of approvals to permit it to comply with the requirements of the Federal Food, Drug, and Cosmetic Act and the applicable regulations. The Commissioner denied this request, and the firm appealed the withdrawal of approval of the new animal drug applications to the United States Court of Appeals for the Eighth Circuit. Oral argument was heard in the case on January 10, 1973, but the court withheld its decision until the United States Supreme Court issued its June 18, 1973, opinions in "Weinberger v. Hynson, Westcott, & Dunning, Inc.," 412 U.S. 609, "CIBA Corp. v. Weinberger," 412 U.S. 640, "Weinberger v. Bentex Pharmaceuticals, Inc.," 412 U.S. 645, "USV Pharmaceutical Corp. v. Weinberger," 412 U.S. 655, interpreting the new drug provisions of the Federal Food, Drug, and Cosmetic Act. The court of appeals affirmed the Commissioner's withdrawal of approval of the new animal drug applications on August 2, 1973; nevertheless, it stayed the effective date of the withdrawal of approvals until September 15, 1973, to give Agri-Tech an opportunity to bring its iodinated casein products into compliance with the act.

By timely submissions to the Food and Drug Administration, Agri-Tech brought its iodinated casein products into compliance with the act by conforming their labeling to the limitations established by the NAS/NRC conclusions and adopted by the Commissioner, and the products have been marketed with this labeling since that time. Because there has been confusion about the products, however, the Commissioner has concluded that it is necessary to issue a notice clarifying the status of these iodinated casein products.

Based on the conclusions of the NAS/NRC and the submissions by Agri-Tech in 1973, the Commissioner concludes that Agri-Tech's Protamone Thyroactive Casein brand of iodinated casein is a new animal drug. In addition, the Commissioner concludes that substantial evidence exists to demonstrate that Protamone Thyroactive Casein brand of iodinated casein is effective when qualifiedly labeled for increasing milk production in cows and improving growth and feathering in growing ducks in accordance with the conclusions of the NAS/NRC. The Commissioner further concludes that Agri-Tech has complied with the August 2, 1973 order of the United States Court of Appeals for the Eighth Circuit. Based on these findings and to clarify the marketing status of this drug product, the Commissioner vacates that part of the notice of March 4, 1972 (37 FR 4730), withdrawing approval of NADA's 5-633V and 5-987V for Protamone Thyroactive Casein brand of iodinated casein for these limited indications for use. Therefore, the Commissioner concludes that this drug

product will not be deemed adulterated within the meaning of section 501 of the act when labeled for increased rate of weight gain and improved feathering in growing ducks and for increased milk production in dairy cows, when qualified as follows: (a) Effective for limited periods of time, (b) effectiveness is limited to the declining phase of lactation, (c) administration must be accompanied with increased feed intake, and (d) administration may increase heat sensitivity of the animal. Nothing herein will constitute a bar to further proceedings on questions of the drug's safety or of its metabolites as residues in food products derived from treated animals.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 7, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30957 Filed 11-14-75;8:45 am]

[Docket No. 75F-0323]

CIBA-GEIGY CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3084) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.-2566) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in rigid and semi-rigid vinyl chloride plastics modified with methacrylate-butadiene-styrene intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 7, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-30956 Filed 11-14-75;8:45 am]

Health Resources Administration

U.S. NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS AND COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Joint Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of December 1975:

Name: Joint Meeting of the United States National Committee on Vital and Health Statistics and the Cooperative Health Statistics Advisory Committee.

Date and Time: December 18-19, 1975, 9:00 a.m.

Place: Carlton House Inn, 6515 International Drive, Orlando, Florida 32809.

Open for entire session.

Purpose: The United States National Committee on Vital and Health Statistics assists and advises on the collection, analysis, and dissemination of national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people.

The Cooperative Health Statistics Advisory Committee represents the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The agenda will contain the following items: (1) Discussion of shared interest and activities of both Committees, (2) discussion of minimum basic data sets, (3) report on Health Data Policy Committee meeting, (4) review of reports from Definition and Confidentiality Task Forces, and (5) report on program planning for the 1976 Public Health Conference on Records and Statistics. Future meeting dates and agenda will be discussed.

The metting is open to the public for observation and participation. Anyone wishing to obtain a roster, minutes of meeting, or other relevant information should contact Mr. James A. Smith, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-1470.

Agenda items are subject to change as priorities dictate.

Dated: November 11, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-30835 Filed 11-14-75;8:45 am]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON MIGRANT HEALTH

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463, (86 Stat. 770-776) the Health Services Administration announces the establishment of the National Advisory Council on Migrant Health on September 28, 1975, pursuant to Pub. L. 94-63.

Designation: National Advisory Council on Migrant Health.

Purpose: The Council will advise, consult with, and make recommendations to the Secretary and the Administrator, Health Services Administration, concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 319 of the Public Health Service Act.

Authority for this Council is continuous and a charter will be filed every two years in accordance with section 14(b)(2) of Pub. L. 92-463.

Dated: November 10, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-30836 Filed 11-14-75;8:45 am]

National Institutes of Health

BLOOD DISEASES AND RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart and Lung Institute, February 23, 1976, Fogarty International Center, Building 16 (Stone House), Conference Room, National Institutes of Health.

The entire meeting will be open to the public from 8:30 a.m.-4:30 p.m., February 23, 1976, to discuss the status of the Blood Diseases and Resources program, needs and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone: (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart and Lung Institute, Building 31, Room 4A05, National Institutes of Health, Bethesda, Maryland 20014, phone: (301) 496-5911, will furnish substantive program information.

Dated: November 11, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-30857 Filed 11-14-75;8:45 am]

COMMITTEE FOR REVIEW AND EVALUATION OF DATA ON CARCINOGENICITY

Establishment

The Director, National Institutes of Health, announces the establishment on October 20, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the au-

thority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Committee for Review and Evaluation of Data on Carcinogenicity

Purpose: The Committee provides to the Director, NCI, advice concerning the review of carcinogenicity data developed by the National Cancer Institute. The Committee will terminate on October 20, 1977.

Dated: November 10, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-30856 Filed 11-14-75;8:45 am]

ENDOCRINOLOGY STUDY SECTION

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Endocrinology Study Section, Division of Research Grants, January 19-23, 1976, Bourbon Orleans Hotel, New Orleans, Louisiana.

This meeting will be open to the public on January 19 from 7 p.m. to 7:30 p.m. to discuss administrative details relating to Study Section business. It will also be open on January 22 from 6 p.m. to adjournment and on January 23 from 8:30 a.m. to 4 p.m. for a Workshop on Steroid Receptors sponsored by the Study Section and held at the Bourbon Orleans Hotel, New Orleans, Louisiana. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 19 at 7:30 p.m. to adjournment and from January 20 at 8:30 a.m. through January 22 at 4 p.m. for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, Room 448, National Institutes of Health, Bethesda, Maryland 20014, telephone 301/496-7441, will furnish summaries of the meeting and rosters of committee members. Mr. Morris Graff, Executive Secretary, Room 333, Westwood Building, Bethesda, Maryland 20014, telephone 301/496-7346, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutions of Health, DHEW)

Dated: November 11, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-30851 Filed 11-14-75;8:45 am]

ENDOCRINOLOGY STUDY SECTION AND NUTRITION STUDY SECTION

Workshops

Notice is hereby given of Workshops to be held by the following Study Sections on the dates and places listed below:

Endocrinology Study Section—Workshop on Steroid Receptors, Bourbon Orleans Hotel, New Orleans, Louisiana, January 22, 1976, from 6 p.m. to adjournment and January 23, 1976, from 8:30 a.m. to 4 p.m.

Further information may be obtained from Mr. Morris Graff, Executive Secretary, Endocrinology Study Section, Westwood Building, Room 333, telephone 301/496-7346.

Nutrition Study Section—Workshop on Obesity, National Institutes of Health, Building 31, Bethesda, Maryland, January 28, 1976, 1 p.m. to 5 p.m.

Further information may be obtained from Dr. John R. Schubert, Executive Secretary, Nutrition Study Section, Westwood Building, Room 204, telephone 301/496-7178.

These workshops will be open to the public. Attendance by the public will be limited to space available.

Dated: November 11, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-30850 Filed 11-14-75;8:45 am]

HYPERTENSION TASK FORCE

Meeting

Notice is hereby given of the meeting of the Hypertension Task Force, a working group of the National Heart and Lung Institute, December 19, 1975, at the National Institutes of Health, Bethesda, Maryland, Building 31, Room 10, C Wing, 6th floor. The Task Force will evaluate the state of the art in hypertension research.

The entire meeting will be open to the public from 8 a.m. to 4 p.m. on Friday, December 19. This initial meeting will be organizational in nature. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Room 5A21, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-4236, will provide summaries of the meeting and lists of members.

Dr. Ronald G. Geller, Chief, Hypertension and Kidney Diseases Branch, NHLI, Room C816, Landow Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-1857, will furnish additional information.

Dated: November 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-30858 Filed 11-14-75;8:45 am]

INFECTIOUS DISEASE COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, January 15-16, 1976, Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on January 15 and 16, 1976 to discuss the Infectious Disease Branch Influenza Program. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20014, phone 301-496-5717, will furnish summaries of the meeting and roster of committee members.

Mrs. Martha Mattheis, Executive Secretary of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-10, National Institutes of Health, Bethesda, Maryland 20014, phone 301-496-5105, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.857, National Institutes of Health)

Dated: November 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-30860 Filed 11-14-75;8:45 am]

MOLECULAR AND CELLULAR ASPECTS OF SICKLE CELL DISEASE SYMPOSIUM

Meeting

Notice is hereby given of the Symposium, entitled "Molecular and Cellular Aspects of Sickle Cell Disease", December 10, 1975 at the University of Texas Health Science Center at Dallas, sponsored by the Sickle Cell Disease Branch, Division of Blood Diseases and Resources, National Heart and Lung Institute; the Department of Biochemistry, Southwestern Medical School; and the Graduate School of Biomedical Sciences, University of Texas Health Sciences Center at Dallas. The aim of the Symposium is to present results of recent basic research and to promote an exchange of information with other scientists and members of the biomedical community.

The entire meeting will be open to the public from 9 a.m.–10 p.m. on Wednesday, December 10, 1975.

Dr. John I. Hercules, Acting Chief, Sickle Cell Disease Program, NHLI, Room 4A29, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496–6931, will provide summaries of the meeting.

Dr. Michael R. Waterman or Dr. G. Larry Cottam, Department of Biochemistry, University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235, Phone (214) 688–3338, will furnish additional information relating to the symposium arrangements.

Dated: November 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-30859 Filed 11-14-75;8:45 am]

NATIONAL PROSTATIC CANCER PROJECT WORKING CADRE, ET AL.

Establishment

The Director, National Institutes of Health, announces the establishment on October 10, 1975 of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of sections 410(a)(3) and 410(A)(a) of the Public Health Service Act (42 U.S.C. 286d and 42 U.S.C. 286e). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

NAME:
National Prostatic Cancer Project Working Cadre.
National Large Bowel Cancer Project Working Cadre.
National Pancreatic Cancer Project Working Cadre.
National Bladder Cancer Project Working Cadre.

Purpose: These Committees provide to the Director, NCI, and the Director, Division of Cancer Research Resources and Centers, NCI, advice concerning planning and review of the programs of research, and advice on the review of grant applications submitted in response to the publication of the research plans. Authority for these committees will expire October 10, 1977.

Dated: November 10, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-30854 Filed 11-14-75;8:45 am]

NUTRITION STUDY SECTION

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Nutrition Study Section, Division of Research Grants, January 28–30, 1976, Holiday Inn, Bethesda, Maryland 20014.

This meeting will be open to the public on January 28 from 8:30 a.m. to 9 a.m. to discuss administrative details relating to Study Section business. It will also be open on January 28 from 1 p.m. to 5 p.m. for a Workshop on Obesity sponsored by the Study Section which will be held at the National Institutes of Health, Conference Room 7, Building 31, Bethesda, Maryland 20014. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 28 from 9 a.m. to 12 noon and on January 29–30 from 8:30 a.m. to adjournment each day for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, Room 448, National Institutes of Health, Bethesda, Maryland 20014, telephone 301/496–7441, will furnish summaries of the meeting and rosters of committee members. Dr. John R. Schubert, Executive Secretary, Room 204, Westwood Building, Bethesda, Maryland 20014, telephone 301/496–7178, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.848, National Institutes of Health, DHEW)

Dated: November 11, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-30852 Filed 11-14-75;8:45 am]

TEMPORARY COMMITTEE FOR STATISTICAL ANALYSIS AND QUALITY CONTROL CENTER (SAQC)

Establishment

The Director, National Institutes of Health, announces the establishment on October 21, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Temporary Committee for a Statistical Analysis and Quality Control Center (SAQC)

Purpose: The Committee provides to the Director, NCI, and the Associate Director for International Affairs, NCI, advice concerning the selection of a contractor for the SAQC. The Committee will terminate on June 30, 1976.

Dated: November 10, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-30855 Filed 11-14-75;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Amended Notice of Meeting—Cancellation

Notice is hereby given of the cancellation of the meeting of the Virus Cancer Program Scientific Review Committee B, Viral Oncology, division of Cancer Cause and Prevention, National Cancer Institute which was published in the FEDERAL REGISTER on October 7, 1975, Vol. 40, No. 195, page 46343.

This Virus Cancer Program Scientific Review Committee B meeting was to have convened on December 8, 1975, but has been cancelled as contracts were not ready for presentation.

Dated: November 11, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-30853 Filed 11-14-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on December 3–5, 1975, at 9:00 a.m., local time, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Ch. 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by education institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92–318.

The meeting shall be open to the public from 9 a.m., December 3 to 9 a.m., December 5, and from 10 a.m., December 5, until adjournment at 3 p.m., December 5. During these sessions, the Committee will review petitions by accrediting and

State approval agencies for initial or continued recognition by the Commissioner, the Committee will hear presentations by representatives of the petitioning agencies and other interested parties, and the Committee will review policy items pertaining to accreditation and institutional eligibility.

Under authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and clauses (4) and (6) of subsection (b) of section 552 of Title 5 of the United States Code, a session of the meeting from 9-10 a.m., December 5, will be closed to the public, if it is found that information exempt from public disclosure must be discussed. Closure of the meeting is to allow a free and frank discussion of the pending petitions by accrediting and State approval agencies for recognition and for renewal of recognition. These petitions typically contain financial information about institutions that has been given in confidence and the Committee, in order to evaluate the performance of the petitioning agencies, may wish to discuss such information. In addition, the petitions may occasionally contain information about the activities of individuals which, in the judgment of the Committee and the Commissoner, would, if publicly disclosed, result in a clearly unwarranted invasion of the personal privacy of such individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b) (4) and (6). Should the Chairman rule that discussion of such information is necessary in order to evaluate the merits of the petitions, the session from 9-10, December 5, will be used for that purpose. Records shall be kept of all Committee proceedings, and these will be available in the office of the Accreditation and Institutional Eligibility Staff, Room 4068, Regonal Office Building 3, 7th and D Streets, SW., Washington, D.C.

Signed at Washington, D.C., on November 12, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-30952 Filed 11-14-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION; EXECUTIVE COMMITTEE

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the Executive Committee of the National Advisory Council on Adult Education will meet on January 3, 1976, from 9:30 a.m. to 4:30 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C.

The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

FY-76 Council budget adjustments, preliminary audit, and FY-77 budget.
Finalization of January meeting agenda.

Records shall be kept of the Executive Committee's proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004).

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

GARY A. EYRE,
Executive Director, National Advvisory Council on Adult Education.

[FR Doc.75-30822 Filed 11-14-75;8:45 am]

Office of the Secretary

[Docket No. CC-10]

ANASTASI BROTHERS CORP.

Proposed Ineligibility; (Debarment)

In the matter of compliance proceeding pursuant to Executive Order 11246 and implementing rules, regulations and orders issued thereunder.

Pursuant to Sections 208 and 209 of Federal Executive Order 11246 and 41 CFR 60-1.26(b), notice is hereby given that Respondent Anastasi Brothers Corporation, will be given an opportunity to be heard on the Allegations set forth below. A copy of Executive Order 11246, a copy of the Regulation of the Office of Federal Contract Compliance, (hereinafter referred to as "OFCC"), a copy of Department's Procedural Rules for Proceedings under Executive 11246, and a copy of the New Haven Plan, are attached.

Within fourteen (14) days from receipt of this notice, Respondent may file an answer to this notice and may request a hearing. The request for hearing shall be included as a separate paragraph of the answer. The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered. If Respondent fails to file an answer, request a hearing, or otherwise formally contest the allegations in this notice within the 14-day period following receipt hereof, the matters alleged herein are deemed admitted and Respondent's opportunity for hearing is deemed waived. The Director, Office for Civil Rights, may enter an order declaring Respondent ineligible for award of Federal and Federally-assisted contracts or subcontracts, or extensions or other modifications of existing contracts, until the Respondent has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the Order.

The answer, request for hearing, and all other documents permitted to be submitted by Respondent in this proceeding must be mailed or delivered to the Civil Rights Hearing Clerk, Department of Health, Education, and Welfare, Room 4519 North Building, 330 Independence Avenue SW., Washington, D.C. 20201. An original and two copies should be filed and an additional copy should be mailed or delivered to the attorney in the Office of the General Counsel whose address is indicated below his signature hereon.

ALLEGATIONS

The General Counsel of the Department of Health, Education, and Welfare (hereinafter, "Department"), acting on behalf of the Department alleges as follows:

1. Respondent is a contractor which performs masonry work on construction projects, with a home office at 300 E. Mt. Airy Avenue, Philadelphia, Pennsylvania 19119, and a branch office at 853 Plain Street, Marshfield, Massachusetts 02050.

2. The construction of an addition to St. Raphael Hospital, New Haven, Connecticut (hereinafter referred to as "St. Raphael") is Federally-assisted by a grant administered by the Department. Respondent was a masonry subcontractor on the St. Raphael project and carried out work in the bricklaying trade on this project in 1974 and 1975.

3. Respondent's contracts for the St. Raphael project meet the criteria for applicability of Executive Order 11246 [41 CFR 60-1.5(a)] and for applicability of the New Haven Plan.

a. The total estimated cost of the project was greater than $500,000;

b. The project is situated in the city of New Haven, Connecticut.

c. Respondent's contract exceeded $10,000.

4. a. Section 301 of Executive Order 11246 provides that applicants for Federal financial assistance for construction shall agree to incorporate the standard equal employment opportunity provisions set forth at section 202 of Executive Order 11246 in all construction contracts and subcontracts paid for in whole or in part with the Federal financial assistance, "together with such additional pro-

visions as the Secretary [of Labor] deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations."

Pursuant to this latter provision of section 301, and in exercise of its overall responsibility for enforcement of Executive Order 11246, the U.S. Department of Labor approved the New Haven Plan. This plan requires that, on each applicable Federally-assisted construction project, no contract meeting the aforementioned requirements of Executive Order 11246 shall be awarded to a bidder on such a project unless the bidder's affirmative action program contains specific numerical minority utilization goals which meet the standards, specified in the invitation for bids, for the trades to be used in performing the contract. The bidder must incorporate these goals into its bid.

b. The New Haven Plan, applicable to the St. Raphael project, specified that an acceptable affirmative program for the trade of bricklaying would result in minority manpower utilization on the project of: from 26.3% to 31.3% for February 18, 1974 through February 17, 1975, and from 31.6% to 36.3% for February 18, 1975 through February 17, 1976.

5. During Respondent's performance on St. Raphael project Respondent did not participate in any multi-employer program pertaining to the bricklaying trade which was approved by OFCC and which is acceptable in lieu of a goal for minority bricklayer employees.

6. a. Respondent incorporated into its bid for the St. Raphael project goals for minority employment in the trade of bricklaying which met the standards of Paragraph 4(b) of this Notice.

b. Respondent also contracted to make every good faith effort to meet the goals which had been established.

7. Respondent began work on the St. Raphael project on July 17, 1974 and is now close to completion, or has completed, performance on this project. Before Respondent began work on the St. Raphael project it had no bricklayers on its payroll in the New Haven Plan area. The first minority bricklayer hired by the Respondent for this project began work on August 12, 1974 after seventeen (17) nonminority bricklayers had already been hired and working for Respondent on this project. In October, 1974, two (2) more minority bricklayers were hired by Respondent for this project. On November 22, 1974 all three (3) minority bricklayers, along with five (5) nonminority bricklayers were laid off the St. Raphael project by Respondent. Left on project were seven (7) nonminority bricklayers. Another nonminority bricklayer was hired for this project in January 1975 by Respondent. Respondent terminated all bricklayers on this project from February 4, 1975 to March 16, 1975, due to lack of heat. One (1) nonminority bricklayer was rehired by Respondent for this project on March 16, 1975. Eight (8) non-minority bricklayers and one (1) minority bricklayer were rehired by Respondent for this project on March 17, 1975. On April 7, 1975 after the Department issued Respondent a show cause notice, Respondent rehired two (2) minority bricklayers for this project. Thus, Respondent had an opportunity during the terms of performance on the St. Raphael project to hire and rehire, and did hire and rehire, new bricklaying employees.

8. During its work on this project, Respondent did not meet the minority manpower goals as set out in the New Haven Plan. Through September, 1975, minority bricklayers performed approximately 15% of the bricklaying manhours performed by the Respondent on the St. Raphael project.

9. Respondent did not make every good faith effort to meet its minority employment goals for the bricklaying trade on the St. Raphael project. Among other things:

a. Respondent failed to notify community organizations that it had employment opportunities available on this project. Even if such notifications were made, Respondent failed to maintain records of the organizations' responses.

b. Respondent did not maintain a file in which it recorded for use in securing minority-group workers, the names and addresses and other information regarding minority-group workers referred to it including specifically what action was taken with respect to employing such individuals, and if such worker was not employed by Respondent, the reasons therefor as well as the reasons workers referred to the hiring hall were not employed.

c. Respondent did not seek to meet its goals by participating in and availing itself of training programs in the New Haven, Connecticut, area during the term of its performance on the St. Raphael project.

d. Respondent did not make specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within respondent's recruitment area.

e. Respondent did not make specific efforts to encourage his present minority employees to recruit their minority friends and relatives.

10. Adequate efforts were made by this Department to achieve Respondent's voluntary compliance with the Federally-established equal employment opportunity requirements in its contracts on the St. Raphael project, but such efforts were unsuccessful in securing Respondent's compliance.

11. By reason of the above, Respondent failed to comply with the provisions of its Federally-assisted contracts embodying the New Haven Plan and with sections (1) and (4) of the Equal Employment Opportunity Clause of its contracts as prescribed by the Office of Federal Contracts Compliance Regulations (41 CFR 60-1.4 (b) and (c)) and as prescribed by Executive Order 11246 (sections 202 and 301). Wherefore, the General Counsel requests that the Administrative Law Judge recommend that an Order be entered, pursuant to 41 CFR 60-1.26(b)(2)(vi):

1. Finding that Respondent failed to comply with Executive Order 11246, and the rules, regulations and orders issued and promulgated thereunder, as well as with its contracts, during the term of its performance on the St. Raphael project in 1974 and 1975 in the trade of bricklaying;

2. Finding that this Department has been unable to achieve the compliance of Respondent through voluntary and informal means; and

3. Providing that Respondent shall be ineligible for the award of any contracts or subcontracts funded in whole or in part with Federal funds, and shall be ineligible for extensions or other modification or any existing contracts, until Respondent has satisfied the Secretary of Labor that Respondent has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246, and the rules, regulations and orders issued thereunder.

Dated: November 6, 1975.

Respectfully submitted,

For the General Counsel, Department of Health, Education, and Welfare.[1]

SAMUEL C. FISH,
Regional Attorney.

THOMAS J. FLYGARE,
Assistant Regional Attorney, U.S. Department of Health, Education, and Welfare.

[FR Doc.75-30893 Filed 11-14-75;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Health Systems Agency Application Information

Notice is hereby given that application materials are available in DHEW regional offices to entities interested in designation as a health systems agency (HSA) under the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641, January 4, 1975).

The National Health Planning and Resources Development Act of 1974 added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Public Health Service Act as geographic regions appropriate for the effective planning and development of physical and mental health services and to provide grant assistance to such agencies. Each such health systems agency

[1] Certificate of service filed as part of the original document

shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

On October 17, 1975, the Department published in the FEDERAL REGISTER a notice of proposed rulemaking dealing with the designation and funding of health systems agencies. Those entities interested in becoming HSAs may submit applicaitons in accordance with the requirements set forth in the proposed rules. Final action with respect to any applications submitted will not be taken by the Department until final regulations are published. Furthermore, should the final regulations differ from the proposed regulations, applications filed on the basis of the proposed regulations will be required to be revised or amended as may be necessary to conform to the final regulations. Application materials and further information may be obtained from the Regional Health Administrator in each of the Department's ten regional offices. See Appendix A below.

Two review cycles have been scheduled for consideration of applications for designation as an HSA. Entities interested in applying during ether of the cycles must file a letter of intent to apply with the appropriate agencies by December 1, 1975. Those entities who wish to submit their applications during the second cycle must renotify the regional office of their intent by February 1, 1976. First cycle applications must be received by January 19, 1976, and second cycle by April 16, 1976.

All applications received during the first cycle will be considered during that cycle. If an application is received during the second cycle, it will be considered if in that health service area there were no applications received during the first cycle or the applications received during the first cycle were not acceptable

Entities which indicate an intention to apply for second cycle consideration will be notified of whether or not there are any other applications for that health service area that will be submitted during the first cycle. The applicant can then decide whether to submit an application during the first cycle or submit during the second cycle as originally planned. Applicants submitting during the second cycle must renotify the regional office of their intent to apply no later than February 1, 1976.

Dated: November 11, 1975.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

APPENDIX A

Specific instructions and guidelines for application submission are available through the DHEW Regional Offices whose addresses are below.

DHEW Regional Office I, John F. Kennedy Federal Building, Boston, Mass. 02203.

DHEW Regional Office II, 26 Federal Plaza, New York, N.Y. 10007.

DHEW Regional Office III, Post Office Box 13716, Philadelphia, Pa. 19108.

DHEW Regional Office IV, 50 Seventh Street, N.E., Atlanta, Ga. 30323.

DHEW Regional Office V, 300 South Wacker Drive, Chicago, Ill. 60606.

DHEW Regional Office VI, 1114 Commerce Street, Dallas, Texas 75202.

DHEW Regional Office VII, 601 East 12th Street, Kansas City, Mo. 64106.

DHEW Regional Office VIII, 9017 Federal Office Building, Denver, Colo. 80202.

DHEW Regional Office IX, 50 Fulton Street, San Francisco, Calif. 94102.

DHEW Regional Office X, 1321 Second Avenue, Arcade Plaza, Seattle, Wash. 98101.

[FR Doc.75-30906 Filed 11-14-75;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

Pursuant to the provisions of section 1202 of the National Housing Act, 12 U.S.C. 1749bbb-1, as enacted by the Urban Property Protection and Reinsurance Act of 1968, Title XI of Pub. L. 90-448, notice is hereby given that members of the public wishing to nominate themselves or other persons for appointment to the National Insurance Development Program Advisory Board should submit such nominations in writing to J. Robert Hunter, Acting Federal Insurance Administrator, Department of Housing and Urban Development, Room 4100, 451 Seventh St. SW., Washington, D.C. 20410, on or before December 15, 1975.

The function of the Advisory Board shall be to review general policies and advise the Secretary with respect thereto and to perform such other functions as are specified in the Urban Property Protection and Reinsurance Act of 1968, as amended. Specifically, the duties of the Advisory Board include:

a. Consultation with the Secretary with respect to any modification of the FAIR (Fair Access to Insurance Requirements) Plan criteria.

b. Recommendations to the Secretary as to appropriate changes in the designation of types, classes, and locations of property under the definition of "essential property insurance."

c. Reports to the Secretary of existing or potential problems of unavailability of essential property insurance.

d. Consultation with the Secretary with respect to increases and decreases in riot reinsurance premium rates.

e. Consultation with the Secretary with respect to liberalization and curtailment in riot reinsurance coverage, and

f. Consultation with the Secretary with respect to the issuance of rules and regulations under the authority set forth in section 1247 of the National Housing Act, 12 U.S.C. 1749bbb-17.

The Advisory Board shall be appointed by the Secretary. It shall consist of 19 members selected from among representatives of the general public, the insurance industry, State and local governments (including State insurance authorities), and the Federal Government. Six members shall be regular full-time employees of the Federal Government. A minimum of four members shall be representatives of the private insurance industry, and a minimum of four members shall be representatives of State insurance authorities.

Nominations may be made for representatives of the general public, the private insurance industry, and State and local governments. They should include the following information.

1. Name of nominee.
2. Home address and telephone number of nominee.
3. Business address and telephone number of nominee.
4. Sector (i.e., general public, private insurance industry, or State or local government) that nominee represents.
5. Occupation, business, or profession of nominee.
6. Pertinent experience or background of nominee that is believed to qualify nominee as a member of the Advisory Board.
7. Name of group or person(s) making nomination if other than nominee.
8. The following data should be furnished for each person nominated as the official representative of an organized insurance industry trade group or association:
   a. Name and address of organization.
   b. Number of official members of or subscribers to organization.
   c. Nominee's position in organization.
9. For nominees representing a State or local governmental agency or body, the name of the agency or body, its location, and nominee's position or title.

The nominees selected by the Secretary will be announced by publication in the FEDERAL REGISTER at a later date but prior to the first meeting.

Washington, D.C., November 6, 1975.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Charter

1. *Purpose.* This establishes a charter for the National Insurance Development Program Advisory Board (hereinafter referred to as the Board) as required by section 9(c) of the Federal Advisory Committee Act of 1972, Pub. L. 92-463, 5 U.S.C. App. I.

2. *Scope.* The Board shall review policies and shall advise the Secretary of Housing and Urban Development on matters concerning the Urban Property Protection and Reinsurance Act of 1968, Title XI of Pub. L. 90-448, as amended, 12 U.S.C. 1749bbb et seq. The function of the Board shall be advisory only. Policy to be expressed and actions to be taken by the Department of Housing and Urban Development on matters under the consideration of the Board shall be determined, in accordance with law, by the Secretary of Housing and Urban Development.

3. *Authority.* The National Insurance Development Program Advisory Board is mandated by and established under the authority of section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1968 as amended by the National Insurance Development Act of 1975, Pub. L. 94-13. The Board shall operate in conformance with the requirements of that section and of all applicable laws, regulations, and guidelines promulgated by Con-

gress, the President, the Office of Management and Budget and the Secretary.

4. *Objectives and duties.* The Board shall review general policies and shall advise the Secretary with respect thereto and shall perform such other functions as are specified in the Urban Property Protection and Reinsurance Act of 1968, as amended. These duties include:

a. Consultation with the Secretary with respect to any modification of the FAIR (Fair Access to Insurance Requirements) Plan criteria set forth in Part A of Title 12 of the National Housing Act, 12 U.S.C. 1749bbb–3 to 1749bbb–6a.

b. Recommendations to the Secretary as to appropriate changes in the designation of types, classes, and locations of property under the definition of "essential property insurance" at section 1203(a)(5) of the National Housing Act, 12 U.S.C. 1749bbb–2(a)(5).

c. Reports to the Secretary of existing or potential problems of unavailability of essential property insurance.

d. Consultation with the Secretary with respect to increases and decreases in riot reinsurance premium rates.

e. Consultation with the Secretary with respect to liberalization and curtailment in riot reinsurance coverage.

f. Consultation with the Secretary with respect to the issuance of rules and regulations under the authority set forth in section 1247 of the National Housing Act, 12 U.S.C. 1749bbb–17.

5. *Composition.* The Board shall consist of 19 members selected from among representatives of the general public, the insurance industry, State and local governments including State insurance authorities, and the Federal Government.

a. Six members shall be regular full-time employees of the Federal Government.

b. A minimum of four members shall be representatvies of the private insurance industry.

c. A minimum of four members shall be representatives of State insurance authorities.

6. *Appointment and tenure.*

a. The Secretary shall select and appoint each Board member.

b. Each member shall serve for a term of two years (all terms to begin upon publication of the appointment of the full membership of the Board in the FEDERAL REGISTER) or until his or her successor has been appointed.

c. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term.

d. The appointment of a member who no longer qualifies as being from the segment he or she initially represented will automatically be terminated.

e. The terms of all members shall automatically cease upon termination of the Board.

7. *Chairman and Vice Chairman.* The Secretary shall designate a Chairman and a Vice Chairman of the Board. The Chairman shall preside at all meetings and the Vice Chairman shall preside in the absence or disability of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Secretary may appoint any member to act as Chairman pro tempore.

8. *Meetings.*

a. At least four regularly scheduled meetings shall be held each year at HUD headquarters, Washington, D.C., on the fourth Wednesday of January, March, May, and September. Members shall raise agenda items at least six weeks prior to these meetings by transmitting them, in writing, to the Chairman. Special meetings may be held at the call of the Chairman, at the call of the Secretary, or at the call of any three members of the Board.

b. The Secretary (or her delegate) will approve in advance the agenda of Board meetings.

c. A notice of each Board meeting will, at least 15 work days in advance of the meeting, be mailed to each Board member and published in the FEDERAL REGISTER.

d. All Board meetings will be open to the general public, except meetings concerned with matters listed in section 552(b) of title 5 U.S.C., covering such subjects as investigatory files, trade secrets, and internal Government memoranda which are not available to the public upon request.

(e) Detailed minutes of each meeting of the Board shall be kept, and their accuracy shall be certified by the Board Chairman.

The minutes shall include:

(1) The time and place of the meeting;

(2) A list of Board members and staff and agency employees present at the meeting;

(3) A complete summary of matters discussed and the conclusions reached;

(4) Copies of all reports received, issued, or approved by the Board;

(5) A description of the extent to which the meeting was open to the public;

(6) A description of public participation, including a list of members of the public who presented oral or written statements; and

(7) An estimate of the number of members of the public who attended the meeting.

f. In accordance with the Federal Advisory Committee Act, no meeting of the Board shall be held in the absence of a Federal employee designated by the Secretary of Housing and Urban Development or his or her delegate. The designated employee is authorized to adjourn any Board meeting whenever he or she determines adjournment to be in the public interest.

9. *Support services.* The Federal Insurance Administrator shall provide support services for the Board.

10. *Travel and compensation.* The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. When engaged in the performance of their Board duties, such members (except those who are regular full-time employees of the Government) shall receive the per diem equivalent to the rate for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code. Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of such title for persons in the Government service employed intermittently.

11. *Estimated annual operating cost.* It is estimated that the annual operating cost of the Board will not exceed $20,000. This includes travel, compensation, transcripts and miscellaneous meeting expenses, but it excludes staff support costs which are estimated to be one-half staff year.

12. *Expiration of charter.* The National Insurance Development Program Advisory Board Charter shall expire 2 years from the date it was signed by the Secretary, unless prior to that time appropriate steps are taken by the Secretary or the Congress to extend the duration of the Board.

13. *Filing date.* This charter was filed with the Secretary of Housing and Urban Development September 15, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75–30999 Filed 11–14–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–75–385]

REGIONAL ADMINISTRATOR, AREA DIRECTORS, INSURING OFFICE DIRECTORS, REGION X

Reassignment of Jurisdictional Authority

The Department is reorganizing certain of its administrative components as they relate to the State of Idaho and to Baker and Malheur Counties in the State of Oregon. As a result, certain powers, functions and responsibilities are being transferred or consolidated.

The former jurisdictional assignments to the Portland Area Office, the Seattle Area Office, and the Spokane Insuring Office for the administration of HUD programs within the State of Idaho are hereby revoked and reassigned to the Boise Insuring Office. The former jurisdictional assignment to the Boise Insuring Office for the administration of HUD programs within Baker and Malheur Counties in the State of Oregon is hereby revoked and reassigned to the Portland Area Office.

These jurisdictional reassignments supersede and revoke all inconsistent HUD jurisdictional assignments, published or unpublished, heretofore issued, to the extent of said inconsistency; provided that these reassignments shall in no way interfere with or modify the present jurisdictional assignments of the Seattle Regional Office: *And provided, further,* That this reassignment shall not affect the validity of any actions taken or duties performed by an official or officials of the Portland or Boise Offices, during the period between the effective date of October 1 for this reassignment and November 17, 1975.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of October 1, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75–30901 Filed 11–14–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 14322; Notice 75–9C]

1975–76 OPERATIONS REVIEW PROGRAM

Conference

The purpose of this notice is to inform all interested persons that from December 1 through 5, 1975, the Federal Aviation Administration will be conducting a conference at the Sheraton National Hotel, Arlington, Virginia, as a part of the 1975–76 Operations Review Program. Information relating to this Conference is contained in the following notices that have been published in the FEDERAL REGISTER.

NOTICE

75-9 (40 F.R. 8685) February 28, 1975.
75-9A (40 F.R. 24041) June 4, 1975.
75-9B (40 F.R. 48699) October 17, 1975.

The proceedings will be conducted through eleven committees identified with their areas of coverage as:

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

The schedule for the plenary session, and for the working committees, is set forth below. Lunch breaks are scheduled from noon until 1:30 p.m. each day.

MONDAY, DECEMBER 1

PLENARY SESSION

Morning

9:30 Call to order
9:45 Welcoming address
11:05 Prologue; Conference mission
11:30 Public's response

COMMITTEE SESSIONS

Afternoon (1:30 to 5:00)

Committee:
1—Aircraft and Equipment Requirements:
A Aircraft Certification.
2—Aircraft Maintenance:
A FAR Part 43, Applicability.
B Authorized Maintenance Personnel.
E Maintenance by Canadians.
3—Aircraft Operating Rules:
A FAR Part 91, Operating Rules.
4—Airmen Certification:
A-1 General.
A-2 Flight Engineers.
B-1 General.
B-2 Dispatchers.
5—Air Traffic Rules:
A Airspace.
B-1 General (IFR).
6A—Certificated Operators:
A General.
B Certificate and Operations Specifications.
6B—Certificated Agencies:
A FAR Part 135—ATCO.
A-1 FAR Part 135—Applicability.
A-2 FAR Part 135—Large Aircraft.
A-3 FAR Part 135—Application and Manual Requirements.
7—Flight Attendants:
A Air Carrier Management Personnel.
B Flight Attendant—Manual Use.
E Flight Attendant—ATCO Operations.
8—Flight Time Limitations:
A FAR Part 91, Flight & Duty Times.
9—Training:
B-1 Applicability.
B-2 Program, Curriculum, & Revisions.
10—Special Issues: Not in session.

TUESDAY, DECEMBER 2

COMMITTEE SESSIONS

Morning (8:30 to 12)

Committee:
1—Aircraft and Equipment Requirements:
B-1 FAR Part 91, General.
2—Aircraft Maintenance:
C Return to Service.
D Maintenance Records.
3—Aircraft Operating Rules:
B FAR Part 91, Large Aircraft.
C-1 Performance Standards.
4—Airmen Certification:
B-3 Mechanics.
5—Air Traffic Rules:
B-2 Takeoff & Landings (IFR).
B-3 Altitude Minimums (IFR).
6A—Certificated Operators:
D Operating Manual & Aircraft Requirements.
E Airworthiness Requirements.
6B—Certificated Agencies:
A-4 Miscellaneous.
B Agricultural Aircraft.
7—Flight Attendants:
C Flight Attendant Requirements.
8—Flight Time Limitation:
B-1 FAR Part 121, Consolidation.
9—Training:
A Flight Engineer Training.
10—Special Issues: Not in session.

Afternoon (1:30 to 5)

Committee:
1—Aircraft and Equipment Requirements:
B-1 FAR Part 91, General.
B-2 FAR Part 91, Emergency Equipment.
2—Aircraft Maintenance:
D Maintenance Records.
3—Aircraft Operating Rules:
C-2 Takeoff Limitation.
C-3 Landing Limitations.
4—Airmen Certification:
B-4 Inspection Authorization.
5—Air Traffic Rules:
C-1 General (VFR).
C-2 Altitude Minimums (VFR).
C-3 Weather Minimums (VFR).
6A—Certificated Operators:
F Maintenance Personnel.
6B—Certificated Agencies:
C Repair Station.
C-1 Applicability.
C-2 Certificate & Ratings.
C-3 Equipment and Materials.
7—Flight Attendants:
C Flight Attendant Requirements.
8—Flight Time Limitations:
B-2 Domestic Air Carriers.
9—Training:
B-3 Simulators.
B-4 Check Airman and Instructor.
10—Special Issues: Not in session.

WEDNESDAY, DECEMBER 3

COMMITTEE SESSIONS

Morning (8:30 to 12)

Committee:
1—Aircraft and Equipment Requirements:
B-3 FAR Part 91, Category II.
C-1 FAR Part 121, General.
2—Aircraft Maintenance:
E Maintenance Performance.
G Continuous Airworthiness Maintenance.
H Major Alterations & Repairs.
3—Aircraft Operating Rules:
D Flight Deck.
E Emergencies & Unsafe Conditions.
4—Airmen Certification:
B-1 Repairmen.
5—Air Traffic Rules:
D Flight Plans.
E Terminal Control Areas.
6A—Certificated Operators:
H Flight Operations.
6B—Certificated Agencies:
C-4 Miscellaneous.
7—Flight Attendants:
D Flight Operations.
8—Flight Time Limitations:
B-3 Flag Air Carriers.
9—Training:
B-5 All Crewmembers & Dispatchers.
B-6 Initial, Transition & Upgrade.
10—Special Issues: Not in session.

Afternoon (1:30 to 5)

Committee:
1—Aircraft and Equipment Requirements:
C-1 FAR Part 121, General.
C-2 FAR Part 121, Emergency Equipment.
2—Aircraft Maintenance:
H Major Alterations & Repairs.
I Annual & 100 Hour Inspections.
3—Aircraft Operating Rules:
F Second-in-Command Requirements.
G Use of Auto-Pilot.
4—Airmen Certification:
C Pilot-in-Command.
D Second-in-Command (2 pilot aircraft).
5—Air Traffic Rules:
F Miscellaneous.
6A—Certificated Operators:
C Certificate Holders, Routes & Areas.
6B—Certificated Agencies:
D Aviation Maintenance School.
7—Flight Attendants:
D Flight Operations.
8—Flight Time Limitations:
B-4 Supplemental Air Carriers.
9—Training:
B-7 Recurrent.
10—Special Issues: Not in session.

THURSDAY, DECEMBER 4

COMMITTEE SESSION

Morning (8:30 to 12)

Committee:
1—Aircraft and Equipment Requirements:
C-3 Cabin Interior.
C-4 Cabin Instruments & Equipment.
2—Aircraft Maintenance:
J Altimeters & Altitude Reports.
K Transponders & VOR Checks.
L Progressive Inspection.
3—Aircraft Operating Rules:
H Icing Conditions.
I Fuel Supply.
4—Airmen Certification:
E Air Carrier & Commercial Operator Airmen.
5—Air Traffic Rules: Not in Session.
6A—Certificated Operators:
I Dispatch & Flight Release.
6B—Certificated Agencies: Not in Session.
7—Flight Attendants: Not in Session.
8—Flight Time Limitations:
C FAR Part 135, Flight & Duty Times.
9—Training:
B-8 Crewmember Qualifications.
10—Special Issues:
A Report of Emergency Equipment, Use & Aircraft Activity.
B Liquor, Drugs.

Afternoon (1:30 to 5)

Committee:
1—Aircraft and Equipment Requirements:
C-4 Instruments & Equipment.
C-5 Over Water Operation.
2—Aircraft Maintenance:
M Approved Inspection Program.
N FAR Part 91, Miscellaneous.
3—Aircraft Operating Rules:
J IFR Requirements.
K Cargo.
4—Airmen Certification:
F Air Taxi Pilots.
5—Air Traffic Rules: Not in Session.
6A—Certificated Operators:
K Air Travel Clubs.
L Scheduled Air Carrier (helicopter).
6B—Certificated Agencies: Not in Session.
7—Flight Attendants: Not in Session.
8—Flight Time Limitations: Not in Session.

9—Training:
B–8 Crewmember Qualifications.
B–9 Equipment Interchange.
10—Special Issues:
C Parachutes.
D Special Flight Authorization, Foreign Aircraft.

FRIDAY, DECEMBER 5

COMITTEE SESSIONS

Morning (8:30 to 12)

Committee:
1—Aircraft and Equipment Requirements:
C–6 Miscellaneous Equipment.
D FAR Part 127, General.
2—Aircraft Maintenance:
O FAR Parts 121, 123 & 127, Miscellaneous.
P MRR & MIR.
3—Aircraft Operating Rules:
L Miscellaneous.
4—Airmen Certification:
G Ground Instructors.
5—Air Traffic Rules: Not in Session.
6A—Certificated Operators:
J Flight Forms.
6B—Certificated Agencies: Not in Session.
7—Flight Attendants: Not in Session.
8—Flight Time Limitations: Not in Session.
9—Training:
C Flight Training Requirements.
C–1 FAR Part 121, Appendix E & F.
C–2 FAR Part 121, Appendix G.
10—Special Issues:
E—Leasing & Time Sharing.
F Oxygen.

Afternoon (1:30 to 5)

Committee:
1—Aircraft and Equipment Requirements:
E FAR Part 135, General.
2—Aircraft Maintenance:
Q ATCO Maintenance Program.
R Agricultural Aircraft Maintenance.
3—Aircraft Operating Rules: Not in Session.
4—Airmen Certification: Not in Session.
5—Air Traffic Rules: Not in Session.
6A—Certificated Operators:
G Airman Certification.
6B—Certificated Agencies: Not in Session.
7—Flight Attendants: Not in Session.
8—Flight Time Limitations: Not in Session.
9—Training:
D FAR Part 135, Training Programs.
10—Special Issues:
G Carry-on Baggage & Seat Belt Discipline.
H Miscellaneous.

To register in advance, write to: Federal Aviation Administration, Flight Standards Service, Operations Review Branch, AFS–920, 800 Independence Ave., S.W., Washington, D.C. 20591. There will also be a Conference Registration Desk in the Sheraton-National Hotel lobby during the conference dates.

There is no admission fee or any other charge required to be paid in order to attend and participate in the conference.

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

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

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

[FR Doc.75–30920 Filed 11–14–75;8:45 am]

Office of Hazardous Materials Operations

APPLICATIONS FOR EXEMPTIONS

Grants and Denials

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted or denied during the month of October 1975. The modes of transportation involved are identified by a number in the "Nature of Exemption or Denial Thereof" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Application numbers prefixed by the letters AK represent applications received in the State of Alaska, and those prefixed by the letters EE represent application for emergency exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
AK75–18	DOT E7100	Chugiak Aviation, Chugiak, Alaska.	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive material, and compressed gases to remote sites served only by air transportation. Expires Jan. 15, 1976. (Mode 4.)
AK75–19	DOT E7101	do	14 CFR 103.9 and 49 CFR 172.5.	To transport propane, a flammable compressed gas, flammable liquids, and jet B, a flammable liquid in quantities in excess of those specified in the regulations. Expires Nov. 19, 1975. (Mode 4.)
AK75–20	DOT E7102	Nenana Fuel Co., Nenana, Alaska.	14 CFR 103.9	To transport gasoline, a flammable liquid, in quantities in excess of those specified in the regulations. Expires after 1 flight. (Mode 4.)
AK75–21	DOT E7103	Douglas A. Butler, Fort Yukon, Arkansas.	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive material, and compressed gases and explosives to remote sites in Alaska. Expires Jan. 15, 1976. (Mode 4.)
AK75–22	DOT E7104	do	14 CFR 103.9 and 49 CFR 172.5.	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 16, 1975. (Mode 4.)
AK75–23	DOT E7105	Southeast Skyways, Inc. Juneau, Arkansas.	14 CFR 103.9, 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 17, 1975. (Mode 4.)
AK75–24	DOT E7106	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives to remote sites served mainly by aircraft. Expires Jan. 15, 1976. (Mode 4.)
AK75–25	DOT E7107	Fairbanks Air Service, Inc., Anchorage, Alaska.	14 CFR 103.9	To transport gasoline, a flammable liquid, in metal bulk tanks, to the Alyeska oil pipeline, and remote sites. Expires Nov. 20, 1975. (Mode 4.)
AK75–26	DOT E7108	do	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 20, 1975. (Mode 4.)
AK75–27	DOT E7109	Baker Aviation, Kotzebue, Alaska.	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 25, 1975. (Mode 4.)
AK75–28	DOT E7110	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Jan. 15, 1976. (Mode 4.)
AK75–29	DOT E7111	Alaska Air Service, Inc., Anchorage, Alaska.	do	Do.
AK75–30	DOT E7112	do	14 CFR 103.9 and 103.33.	Flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 24, 1975. (Mode 4.)
AK75–31	DOT E7113	Alaska International Air, Inc., Fairbanks, Alaska.	14 CFR 103.9	To transport propane, a flammable compressed gas, in 4 1,250 gal. tanks. Expires Oct. 20, 1975. (Mode 4.)
AK75–32	DOT E7114	Aurora Air Service, Fairbanks, Alaska.	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives to remote sites in Alaska. Expires Jan. 15, 1976. (Mode 4.)
AK75–33	DOT E7115	do	14 CFR 103.9 and 103.33.	To transport flammable liquids, in quantities in excess of those specified in the regulations. Expires Nov. 23, 1975. (Mode 4.)
AK75–34	DOT E7116	Wien Air Alaska, Inc., Anchorage, Alaska.	14 CFR 103.9	To transport propane, a flammable compressed gas, in 2 DOT specification 4BW240 cylinders. Expires Nov. 16, 1975. (Mode 4.)
AK75–35	DOT E7117	Wien Air Alaska, Anchorage Alaska.	14 CFR 103.9	To transport propane, a flammable compressed gas, in 24 DOT specification 4BW240 cylinders Expires Nov. 16, 1975 (Mode 4.)
AK75–36	DOT E7118	do	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 23, 1975. (Mode 4.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
EMERGENCY APPLICATIONS FOR EXEMPTIONS				
EE75-37	Denied	Commandant Naval Operations, Washington, D.C.	46 CFR 146.29-100.	To transport class A explosives overstacked with 1-high level of jeeps. Denied because no demonstrable emergency existed and overstowage deemed to dangerous. Denied Oct. 24, 1975. (Mode 3.)
EE75-38	do	General Dynamics Co., Pomona, Calif.	14 CFR 103.9	To transport rocket ammunition, a class B explosive, via aircraft. Denied because no demonstrable emergency whereby the commodity could not be transported by motor vehicle. Denied Oct. 22, 1975. (Mode 4.)

J. R. GROTHE,

Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.75-30955 Filed 11-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28487; Order 75-11-43]

PROFIT BY AIR, INC.

Order of Suspension and Investigation Regarding Increased C.O.D. Fees

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1975.

By tariff revisions[1] issued October 15 and marked to become effective November 14, 1975, Profit by Air, Inc. (Profit), an air freight forwarder, proposes to increase its domestic C.O.D. collection service fee from $.01 to $.03 per $1.00 of the C.O.D. amount to be collected, and to increase the minimum charge from $3.00 to $7.50 per consignment.

In support of its proposal, Profit asserts, inter alia, that (1) it estimates the cost of performing the service to be in excess of $25 per C.O.D. shipment; (2) the fees proposed would be equal to its fees for international shipments; (3) the proposal would not reach the break-even point for the service until a C.O.D. amount of at least $850; (4) since more than 80 percent of its C.O.D. shipments are below the $850 level, the increased fee would still be far from equalling Profit's cost of performing the service, but to file a higher charge would put it at a competitive disadvantage; and (5) the increases will result in approximately $5,000 annually in additional gross revenue; this, however, would merely serve to reduce the out-of-pocket expenses for performing the service.

Profit's justification is altogether inadequate and contains little indication of how its estimated cost of $25 per C.O.D. service was determined. The forwarder merely states that this estimated cost is based on "at least 2 manhours at $6.50 per hour of general accounting time, a total of 1 manhour processing time at $6.50 per hour between the origin and destination station, additional banking expense, and additional telephone expense as it is necessary to notify the consignee that the shipment is C.O.D." Profit does not indicate how the foregoing estimates were reached, nor does it describe any surveys upon which they might have been based.

Furthermore, Profit's proposal would result in C.O.D. fees significantly above those currently effective for other freight forwarders, as well as direct carriers. The direct carriers have a minimum charge of $1.00 and charge $.50 per $100 of C.O.D. consignment value up to $2,000, with lower rates for larger values. Air freight forwarders typically charge $.01 per $1.00 of amount collected, with minimums of $2.00, although some have a minimum as high as $4.00.

In addition, the Board does not consider the fact that a carrier has domestic C.O.D. fees lower than international fees a significant factors that justifies increasing the domestic level.

Upon consideration of the foregoing and all other relevant factors, the Board finds that the fees proposed by Profit may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That: 1. An investigation be instituted to determine whether the charges and provisions in Rule No. 4(J)(1)(b) on 11th Revised Page 10 of Profit by Air, Inc.'s C.A.B. No. 18 and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 4(J)(1)(b) on 11th Revised Page 10 of Profit by Air, Inc.'s C.A.B. No. 18 are suspended and their use deferred to and including February 11, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the

[1] Revisions to Profit by Air, Inc., Tariff C.A.B. No. 18.

[2] Cf., Orders 72-4-53 and 71-3-56.

period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 28487, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Profit by Air, Inc., which is hereby made a party to Docket 28487.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-30986 Filed 11-14-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission originally scheduled for November 17, 1975, has been cancelled.

Dated at Washington, D.C. November 12, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-31081 Filed 11-14-75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on December 10, 1975, at Forum XXX—Ramada Forum Plaza, Springfield, Illinois 62702.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to review issues and procedures for committee's informal factfinding meeting on housing and community development issues to be held the following two days in Springfield.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D. C., November 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30826 Filed 11-14-75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on December 11, 1975 and end at 3 p.m. on December 12, 1975, at the County Building Room 301, Springfield, Illinois 62701.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to collect information from residents, city officials, and responsible State and Federal agencies on the civil rights implication of the use of Federal Housing and Community funds in the City of Springfield.

All scheduled witnesses will be issued written invitations to appear. Limited time will be available for previously unscheduled witnesses. Persons wishing to be added as unscheduled witnesses must make prior arrangements with Commission staff, and will be allowed to appear if they have information relevant to the subject under study and providing sufficient time is available during the meeting. All witnesses are encouraged to submit written statements detailing their testimony prior to the day of the meeting. All relevant statements and documents submitted before, during, and after the meeting will be made a part of the meeting record in Commission files and will be considered in the development of the Advisory Committee's report of findings and recommendations. A detailed list of witnesses will be available at the meeting site on December 11, 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30827 Filed 11-14-75;8:45 am]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 8 p.m. and end at 10 p.m. on December 8, 1975, 2404 Ken Oak Road, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to review drafts for Urban Disinvestment Report and discuss recommendations.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30828 Filed 11-14-75;8:45 am]

DEFENSE MANPOWER COMMISSION

CAREER FORCE DETERMINATION, CIVILIAN FORCE UTILIZATION, RECRUITMENT STANDARDS AND SELECTION

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on December 4, 1975 at 9 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, NW., Washington, D.C. 20036. The purpose of the meeting will be to conduct a review of Career Force Determination, Civilian Force Utilization, and Recruitment Standards and Selection. The above issues are subject to change dependent upon staff progress, and other subjects may be substituted.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: November 11, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.75-30818 Filed 11-14-75;8:45 am]

FARM CREDIT ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Amendment to Notices of Existence and Character of Systems of Records

Notice is hereby given that the Farm Credit Administration proposes to amend the notices of the existence and character of the systems of records containing information about individuals which it maintains. Such notices were, pursuant to the Privacy Act of 1974, published in proposed form in the FEDERAL REGISTER for September 8, 1975 (40 FR 41731) and adopted without change (40 FR 46288, October 6, 1975). The Office of Management and Budget has recommended that an additional routine use be established by each agency for the purpose of assuring that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request. Accordingly, the Farm Credit Administration proposes to amend each of the notices described above by inserting, at the end of the material under the heading "Routine uses of records maintained in the system, including categories of users and the purpose of such uses," the following paragraph:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Public comment is invited on this amendment on or before December 15, 1975. Comments should be submitted in writing (10 copies) to W. M. Harding, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-30861 Filed 11-14-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST

Crude Oil Allocation Notice

In accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973, as amended by the Emergency Petroleum Allocation Act of 1975 (Pub. L. 94-99) ("EPAA"), provides that the regulation promulgated and made effective under subsection (a) of section 4 shall remain in effect until midnight November 15, 1975. Consequently, this notice, which lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing December 1, 1975 shall only become effective if the current expiration date of the EPAA is extended.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), as amended, are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers, with a specification as to the portions thereof that constitute the primary and secondary sales obligations for each refiner-seller, in accordance with 10 CFR 211.65(d).

The buy-sell list is applicable for the period December 1, 1975 to February 29, 1976. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65 (d), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation quarter a quantity of crude oil equal to that refiner-seller's primary sales obligation plus any portion of that refiner-seller's secondary sales obligation as to which the FEA directs a sale pursuant to 10 CFR 211.65(h). No refiner-seller shall be required to offer for sale to refiner-buyers, whether by directed sale or otherwise, any portion of its secondary sales obligation until each other refiner-seller (except refiner-sellers with minimal primary sales obligations) has sold at least 80% of its primary sales obligation.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made on or before December 17, 1975. For purposes of these requirements, this notice shall not be deemed to be published until such date upon which an extension of the EPAA is effective. Upon such request, FEA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of 10 CFR 211, Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

4. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (1-74) within 15 days of the completion of arrangements for the transaction. Each refiner-buyer and refiner-seller is requested to report as promptly as practicable every such transaction to which it is a party.

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing March 1, 1976, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b)(1) no later than December 31, 1975.

All reports and applications made under this notice should be addressed to:

Director, Crude Operations, Crude Oil Buy-Sell Program, 20th Street Postal Station, P.O. Box 19326, Washington, D.C. 20036.

Issued in Washington, D.C., November 11, 1975.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period December 1, 1975, through February 29, 1976 is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller is obligated to offer for sale (with a specification as to primary and secondary sales obligations) or that each such refiner-buyer is eligible to purchase, as the case may be.

Federal Energy Administration crude oil allocation program for the period December 1975 through February 1976

[Sales]

	Share	Barrels: Primary obligation	Barrels: Secondary obligation
Amoco Oil Co	0.099	4,915,805	3,357,031
Atlantic Richfield	.072	3,510,540	2,465,225
Cities Service Oil	.023	1,116,959	788,360
Continental Oil Co	.034	1,282,952	1,161,171
Exxon Corp	.112	8,178,031	3,797,217
Getty/Skelly	.020	968,813	679,947
Gulf Oil Corp	.080	6,803,185	2,920,180
Marathon Oil Co	.022	1,348,100	732,520
Mobil Oil Corp	.089	5,713,610	3,015,424
Phillips Petroleum	.039	1,915,953	1,336,070
Shell Oil Co	.107	8,461,045	3,641,505
Socal/Chevron	.096	5,669,351	3,255,219
Sun Oil Co	.052	4,162,121	0,778,711
Texaco Inc	.107	7,782,138	3,644,465
Union Oil Co. of California	.043	3,177,388	1,465,007
Total		65,000,000	34,028,052
Total allocation obligation			99,028,052

PURCHASES

	Barrels
Allied Materials Co	123,502
Amerada Hess Corp	10,085,883
American Petrofina	1,012,167
Apco Oil Corp	854,813
Arizona Fuels Corp	0
Asamera Oil, Inc	3,450
Ashland Oil Inc	7,826,385
Axel Johnson	130,480
Bayou State Oil Corp	0
Beacon Oil Company	142,225
C & H Refining	26,827
California Oil Purification Co	318,112
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	602,620
Charter Oil Company	767,217
Clairborne Gas Co	0
Clark Oil & Refining	2,591,368
Coastal States Gas	6,015,750
Commonwealth Oil Ref	3,024,775
CRA-Farmland Ind. Inc	2,112,190
Cross Oil & Ref-Ark	95,091
Crown Central Petro	2,073,190
Crystal Oil Refining	0
Crystal Refining Co	135,500
Delta Refining Co	1,651,630
Diamond Shamrock Corp	164,262
Dingman Oil & Ref. Co	55,159
Dorchester Gas	0
Dow/Refinery	136,950
Eddy Refining Co	813
Edgington Oil Co	152,323
Edgington Oxnard Refining	0
Evangeline Refining	0
Famariss Oil Corp	2,053,634
Farmers Union Exchange	1,239,969
Fletcher Oil and Refining	192,658
Flint Chemical Corp	0
Gary Operating Co	323,300
Giant Industries	204,549
Gladieux Refinery	296,957
Golden Eagle Refining Co	467,250
Good Hope Refineries	234,748
Guam Oil & Refining	255,375
Gulf States	16,773
HIRI	78,750
Howell Corporation	931,701
Hunt Oil Company	453,175
Husky Oil Company	1,630,370
Indiana Farm Bureau	259,245
J&W Refining Inc	568,156
John Wight, Inc	0
Kentucky Oil Refining Co	0
Kerr McGee Corp	4,170,920
Koch Refining Co	659,943
La Gloria Oil-Gas Co	539,395
La. Land & Exploration Co	2,388,469
Lakeside Refining Co	27,032
Laketon Asphalt Refining	9,114
Little America Refining	723,074
MacMillan RF Oil Co	330,270
Marion Corporation	79,682
Mid America Refining	10,000
Mid-Tex Refinery	233,197
Midland Coop. Inc	765,392
Mohawk Petroleum Co	314,671
Monsanto Company	337,250
Morrison Petroleum	0
Mountaineer Refinery	15,096
Murphy Oil Corp	2,836,401
National Coop. Ref	1,408,398
Navajo Refining Co	69,363
Newhall Refining Co	377,486
North American Petroleum	305,515
Northland Oil & Ref	398,078
Oil Shale Corp	2,843,941
OKC Corporation	0
Pasco Incorporated	458,773
Pennzoil Company	343,380
Pioneer Refining	10,750
Placid Refining	863,017
Plateau Incorporated	104,978
Powerine Oil Company	1,699,718
Pride Refining Inc	1,130,238
Quaker State Oil Refining Co	0
Road Oil Sales, Inc	5,750
Rock Island Refining	0
Saber Refining Co	311,044
Sage Creek Refining Co	70,250
San Joaquin Refining	0
Seminole Asphalt Ref	187,500
Sigmor Corporation	0
Somerset Refinery	0
Sound Refining Inc	171,577
South Hampton	1,257,415
Southland Oil Co	124,618
Southwestern Refining Co	0
Standard Oil of Ohio	13,955,372
Sunland Refining Co	263,724
Tenneco Oil Co	1,208,750
Tesoro Petroleum Co	765,033
Texas Asphalt & Refining	49,232
Texas City Refining	3,521,750
Thagard Oil	9,680
The Refinery Corporation	314,126
Thriftway Oil Co	77,983
Thunderbird Resources	20,741
Tonkawa Refining Co	49,822
Total Leonard Inc	55,750
Union Texas Petroleum	0
United Independent Oil Co	10,171
United Refining Co	701,047
U.S. Oil & Refining Co	379,323
V-1 Oil Company	2,787
Vickers Petroleum Co	1,053,546
Vulcan Asphalt Ref	97,989
Warrior Asphalt Corp	73,035
West Coast Oil Co	0
Western Refining Co	672,387
Wickett Refining	0
Winston Refining Co	82,991
Wireback Oil Co	8,095
Witco Chemical Corp	522,375
Yetter Oil Co	1,000
Young Refining Corp	240,250
Total	99,028,052

[FR Doc.75-30816 Filed 11-12-75;9:53 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Settlement Conference

NOVEMBER 10, 1975.

Take notice that on December 2, 1975, a settlement conference will be convened for the purpose of discussing the issues in the above-captioned docket with a view toward settling this proceeding at 10 a.m., in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Pursuant to § 1.18 of the Commission's rules of practice and procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to § 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30839 Filed 11-14-75;8:45 am]

[Docket No. RI76-52]

AMOCO PRODUCTION CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 5, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the settlement changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refunds, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-52...	Amoco Production Co.....	302	29	El Paso Natural Gas Co. (New Mexico, Rocky Mountain).	$1,648	10- 6-75	.....	6-1-76	29.823	30.235	RI75-81.
.....do.....				.....do.....	2,038	10- 6-75	.....	6-1-76	32.2001	34.978	RI76-15.
.....do.....				.....do.....	7,152	10- 6-75	1-1-76	(4)	[3] 60.840	[3] 62.032	
.....do.....		416	16	.....do.....	16,802	10- 6-75	.....	6-1-76	29.823	30.235	RI75-81.
.....do.....				.....do.....	(1)	10- 6-75	1-1-76	(4)	[3] 60.840	[3] 62.032	
.....do.....		199	33	.....do.....	2,943	10-10-75	.....	6-1-76	29.7	30.235	RI75-81.
.....do.....				.....do.....	(2)	10-10-75	1-1-76	(4)	[3] 60.8	[3] 62.032	
.....do.....		626	33	Northwest Pipeline Corp. (New Mexico, Rocky Mountain).	2,943	10-10-75	.....	6-1-76	29.7	30.235	RI75-81.
.....do.....				.....do.....	(2)	10-10-75	1-1-76	(4)	[3] 60.8	[3] 62.032	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[2] Pressure base is 15.025 lb/in²a.
[3] No volumes at present.
[4] Accepted effective as of the date shown in the "Effective Date Unless Suspended" column.

APPENDIX

Amoco's proposed increases which do not exceed the applicable national ceiling rates prescribed in Opinion No. 699, as amended, effective as of January 1, 1976, are accepted as of that date.

Amoco's proposed increases which exceed the applicable area ceiling established in Opinion No. 658 are suspended for five months from the proposed effective date.

[FR Doc.75-30849 Filed 11-14-75;8:45 am]

[Docket No. ER76-92]

CENTRAL TELEPHONE & UTILITIES CORP.

Order on Rehearing Modifying Prior Order

NOVEMBER 5, 1975.

On August 29, 1975, Western Power Division, Central Telephone & Utilities Corporation (Western Power) tendered for filing proposed rate schedule changes designed to increase revenues by $1,301,038 (14.9%) for service to thirty-two (32) wholesale customers based on the twelve month test period ending December 31, 1975. Western Power proposed that the rate schedule changes be made effective on October 1, 1975.

Upon review of Western Power's filing of August 29, 1975, we concluded that it was deficient with respect to certain requirements of the Commission's Regulations. Accordingly the Commission Secretary, by letter dated September 24, 1975, informed Western Power that its filing did not comply with Section 35.13 (b) (4) (iii) of the Regulations in that Period. I did not incorporate the most recent twelve consecutive months for which actual data is available. The letter order required Western Power to submit data revising Period I and II such that Period I ended no earlier than four months prior to the date of filing. Western Power was notified that a filing date would not be assigned to its submittal pending receipt of the requested data.

On October 6, 1975, Western Power filed a petition for rehearing or for reconsideration of the letter order dated September 24, 1975. On October 8, 1975, the Kansas Municipal Defense Group (Municipals), constituting Western Power's twenty-one wholesale municipal customers, filed an answer to Western Power's petition. On October 10, 1975, Western Power's eleven wholesale cooperative customers (Cooperatives) filed a response to the subject petition.

Western Power offers five grounds in support of its application for rehearing. Firstly, Western Power argues that its use of calendar year 1974 for Period I is the most appropriate period to use inasmuch as comparable data is available in a utility's annual report. Municipals respond that the Commission has previously addressed this argument in Order No. 487 issued July 17, 1973, in Docket No. R-463 wherein the Commission in promulgating the subject regulation stated:

> Other (companies) indicated that it would facilitate the compilation of cost of service data if Period I were the most recent calendar year and Period II were the first full calendar year after the effectiveness of the new rate. Our review of the comments which suggest changes to the proposed Period I does not alter our belief that Period I should be the most recent twelve months of actual experience. With Period I so described, we will have the most recent available data with which to analyze the normality or abnormality of estimated costs vis a vis actual historical experience. (Mimeo. p. 5)

Western Power next seeks to distinguish the Commission's order in Interstate Power Company, Docket No. ER76-70, issued September 10, 1975, such order having been cited in the subject letter order as precedent for the action taken therein. Western Power notes that in Interstate Power the Period I found to be stale constituted the filed test year in that proceeding, whereas in the instant docket both Period I and II were filed with Period II (calendar year 1975) being the test year. Cooperatives respond that the Commission in Interstate Power was merely insisting upon compliance with the unqualified requirement of the Regulations that Period I represent the most recent twelve consecutive months for which actual data are available—a requirement existing independent of whether Period I or Period II is the test year.

In its third contention in support of the application for rehearing, Western Power alleges that the Commission's action constitutes an unjustified retroactive application of a change in rule or policy. Western Power argues that the letter order's reliance upon our Notice of Proposed Rulemaking, Docket No. RM76-6, issued September 3, 1975,[1] contravenes the basic notion of procedural due process. Municipals in response argue

[1] In that notice we proposed a revision to § 35.13(b) (4) (iii) of the regulations stating: "We believe the proposed change should develop a standard of uniformity in the filing requirements, reduce the ambiguity created by varying interpretations placed on them, and more accurately project future conditions. For those purposes, we find it reasonable and appropriate to require that the twelve consecutive months of actual experience constituting the test year for cost of service should end no earlier than four months prior to the date of filing."

that the Commission in its letter order was not applying a new policy but rather was applying its consistent interpretation of § 35.13(b)(4)(iii)—an interpretation that was being finally restated in rulemaking form to remove all conjecture.

In its fourth and fifth grounds for rehearing, Western Power claims that the Commission's action will impose a substantial burden upon Western Power and deprive it of revenues. Municipals and Cooperatives respond that Western Power has not substantiated its claim of undue burden such as to permit waiver of the subject regulation.

Accordingly, Western Power requests that the Commission grant rehearing of or reconsider the letter order dated September 24, 1975, and assign August 29, 1975, as the filing date and eliminate the requirement that data for revised Periods I and II be submitted.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirement of § 35.13(b)(4)(iii) of the Regulations that such data be ". . . for the most recent twelve consecutive months for which actual data are available . . ." However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of § 35.13(b)(4)(iii) of the regulations which requires submission of the most recently available data. In the Interstate order, we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with Section 35.13(b)(4)(iii) of the regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more than seven months old.

In the instant proceeding, the Commission by letter dated September 24, 1975, assessed as deficient Western Power's filing, which was tendered an August 29, 1975, because the Period I data was 8 months old. We therefore determined that this data was too stale to be the "most recently available," as required by § 35.13(b)(4)(iii) of the regulations and told Western Power that a filing date would not be assigned to its submittal until Western Power submitted data revising Period I and Period II such that Period I ended no earlier than four months prior to the date of filing. We find the action taken with respect to Western Power's tender of filing to be consistent with the action taken with respect to Interstate as well as other similar filings. However, consistent with our findings in the preceding paragraph, we believe it necessary to modify our September 24, 1975, letter order to provide that the revised data for Period I and Period II be such that Period I end no earlier than 7 months prior to the date of any new tender of filing, since, as we have noted above, data for a Period I which ends more than 7 months prior to the date of a filing will not be construed as the most recently available, as required by § 35.13(b)(4)(iii) of the regulations. In light of the above, we shall deny Western Power's application for rehearing our September 24, 1975, letter order.

The Commission finds. Good cause exists to deny Western Power's application for rehearing, as hereinafter ordered and conditioned.

The Commission orders. (A) Western Power's application for rehearing is hereby denied.

(B) Our September 24, 1975, letter order is hereby amended to provide that any new tender of filing shall contain data for Period I and Period II such that Period I ends no earlier than 7 months prior to the date of such new tender of filing.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-30885 Filed 11-14-75;8:45 am]

[Docket No. ER76-192]

CONSUMERS POWER CO.

Filing

NOVEMBER 7, 1975.

Take notice that Consumers Power Company (Consumers Power) on October 28, 1975 tendered for filing a Service Agreement for wholesale for resale electric service between Consumers Power and the Village of Union City, Michigan (Union City). On its effective date, September 30, 1975 the agreement cancelled and superseded a prior contract for electric service between the two parties, designated Consumers Power Company Rate Schedule FPC No. 38. The Service Agreement incorporates the rates permitted by the Commission to become effective, subject to refund, on September 30, 1975. The Commission Order was in Docket No. ER76-45, issued August 29, 1975.

The Service Agreement also reduces the capacity reservation from 5000 kW to 3000 kW, to more accurately reflect the demand placed on the Consumers Power system by Union City.

The Service Agreement was concluded with Union City pursuant to the commitment of Consumers Power to place its wholesale for resale customers on a SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the Order of the Federal Power Commission in Docket No. ER76-45 dated August 29, 1975. The execution of the service Agreement is prompted by Consumers Power's desire to have one standard rate schedule for wholesale service.

Consumers Power states that copies of the filing were served on Union City and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said contract should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 17, 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 contract are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30840 Filed 11-14-75;8:45 am]

[Docket No. ES76-17]

EL PASO ELECTRIC CO.

Application

NOVEMBER 10, 1975.

Take notice that on October 14, 1975, El Paso Electric Company (Applicant) filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue and sell at competitive bidding 475,000 shares of Common Stock, no par value.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the states of Texas and New Mexico.

Any person desiring to be heard or to make any protest with reference to the application should, on or before November 17, 1975, file with the Federal Power Commission, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30841 Filed 11-14-75;8:45 am]

[Docket No. CI76-211]

JOHN H. HENDRIX (OPERATOR), ET AL.

Application

NOVEMBER 6, 1975.

Take notice that on October 6, 1975, John H. Hendrix (Operator) et al. (Applicant), 525 Midland, Texas 79701, filed in Docket No. CI76-211 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas for re-

sale in interstate commerce to Skelly Oil Company (Skelly) from the Thomas Long Lease, Well Nos. 1, 2, 3, and 4, Drinkard Pool, Lea County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of natural gas to Skelly from the Thomas Long Lease, because effective September 1, 1975, the New Mexico Oil Conservation Commission reclassified certain wells in said field from oil wells to gas wells. Applicant states further that the casinghead gas from said wells is dedicated to Skelly under a percentage-type contract and gas-well gas is dedicated to El Paso Natural Gas Company. It is stated that there will be no cessation of volumes of gas sold in interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30888 Filed 11-14-75;8:45 am]

[Docket No. ER76-204]

KENTUCKY POWER CO.

Proposed Tariff Change

NOVEMBER 7, 1975.

Take notice that Kentucky Power Company (Kentucky) on October 30, 1975 tendered for filing proposed changes in its FPC Electric Service Rate Schedules Numbered 12 and 13 for Wholesale for resale electric service to Vanceburg Electric Light, Heat and Power System and the City of Olive Hill, respectively. The proposed changes would increase revenues from jurisdictional sales and service by $117,936 based on the 12-month period ending June 30, 1975.

Kentucky states the changes filed herewith involve primarily increased demand and energy charges and a revised fuel adjustment clause prepared in conformity with § 35.14 of the Commission's regulations. Kentucky states the proposed rate increase is occasioned by increases in the cost of providing electric service, increased costs of capital and increased construction requirements.

Kentucky states that copies of the filing were served upon the affected municipal customers and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 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.75-30842 Filed 11-14-75;8:45 am]

[Docket No. ER76-201]

MONTAUP ELECTRIC CO.

Filing of Initial Rate Schedule

NOVEMBER 10, 1975.

Take notice that Montaup Electric Company ("Montaup"), on October 29, 1975, tendered for filing an initial rate schedule for the sale to Public Service Company of New Hampshire ("PSNH") of power from Canal No. 2 unit which is owned 50% by Montaup. Montaup proposes to sell PSNH 50 MW from the unit from the proposed effective date of December 1, 1975 through October 31, 1976 and, 20 MW for the subsequent 12 month period.

The proposed rate specifies three monthly charges: (1) a monthly capacity charge based upon Montaup's direct and indirect charges incurred on the investment in and the operation and maintenance of the unit exclusive of fuel costs, (2) a monthly energy charge based upon total fuel expense during the month and (3) monthly support charges for certain transmission facilities utilized to deliver power from the unit to the New England 345 KV grid.

Copies of the filing were served upon PSNH and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 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.75-30843 Filed 11-14-75;8:45 am]

[Docket No. ER76-202]

MONTAUP ELECTRIC CO.

Filing of Initial Rate Schedule

NOVEMBER 10, 1975.

Take notice that Montaup Electric Company ("Montaup"), on October 29, 1975, tendered for filing an initial rate schedule for the sale to New Bedford Gas and Edison Light Company ("New Bedford") of power from Canal No. 2 unit which is owned 50% by Montaup. Montaup proposes to sell New Bedford 50 MW from the unit from the proposed effective date of December 1, 1975 through October 31, 1976 and, 20 MW for the subsequent 12 month period.

The proposed rate specifies two monthly charges: (1) A monthly capacity charge based upon Montaup's direct and indirect charges incurred on the investment in and the operation and maintenance of the unit exclusive of fuel costs, and (2) a monthly energy charge based upon total fuel expense during the month. New Bedford owns its own transmission facilities in this area and does not require transmission service.

Copies of the filing were served upon New Bedford and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 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.75-30844 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

John Croom, Columbia Gas Distribution Companies, Columbus, Ohio.
Mitchell Kress, Booz, Allen & Hamilton Inc., Bethesda, Maryland.

By the Commission.

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

[FR Doc.75-30867 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY COMMITTEE

Meeting

In the matter of agenda; meeting of Conservation-Technical Advisory Committee, Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426. December 2, 1975, 9:30 a.m.

Presiding: Mr. William F. Heavey, Jr., Coordinating Representative and Secretary, Federal Power Commission.

(1) Call to Order and Introductory Remarks—Mr. William F. Heavey, Jr.

(2) Introduction of the Technical Advisory Committee Chairman—Dr. Charles A. Berg, Consultant, Buckfield, Maine and Introduction of Technical Advisory Committee Vice Chairman—Mr. Robert E. Shepherd, Deputy Assistant Secretary of Commerce, Washington, D.C.

(3) Discussion of Committee Work Scope and Goals—Dr. Charles A. Berg.

(4) Assignment of Work to Committee Members—Dr. Charles A. Berg.

(5) Establishment of Priorities and Completion Dates for Work of the Committee—Dr. Charles A. Berg.

(6) Selection of Next Meeting Date.

(7) Discussion of Other Matters.

(8) Adjournment—Mr. William F. Heavey, Jr.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30891 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE EFFICIENCY IN USE OF GAS

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Elmer S. Biles, Bureau of the Census, U.S. Department of Commerce, Washington, D.C.
Howard Hagler, Hittman Associates, Inc., Columbia, Maryland.

By the Commission.

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

[FR Doc.75-30874 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-CONSERVATION WITHIN THE GAS INDUSTRY

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975 established the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Phillip Forbes, Atlantic Richfield Company, Los Angeles, California.

By the Commission.

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

[FR Doc.75-30872 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-NET ENERGY COST OF COMPETITIVE ENERGY SYSTEMS

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975 established the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Systems of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Carl Batten, Federal Trade Commission, Washington, D.C.
Howard Hagler, Hittman Associates, Columbia, Maryland.
J. P. Henry, Stanford Research Institute, Menlo Park, California.
Robert P. Rowen, The Columbia Gas System, Inc., Wilmington, Delaware.
John L. Sherff, Arthur D. Little, Inc., Cambridge, Massachusetts.

By the Commission.

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

[FR Doc.75-30868 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Meeting

In the matter of agenda, meeting of Curtailment Strategies-Technical Advisory Committee Conference Room 5200 Federal Power Commission Union Plaza Building 825 North Capital Street, NE., Washington, D.C. 20426, December 9, 1975, 9:00 a.m.

Presiding: Mr. Leon H. Friedlander Coordinating Representative and Secretary Federal Power Commission.

(1) Call to Order and Introductory Remarks—Mr. Leon H. Friedlander.

(2) Discussion of Committee Work Scope and Goals—Mr. John F. O'Leary—Chairman, Curtailment Strategies-Technical Advisory Committee.

(3) Establishment of Priorities and Completion Dates for Work of the Committee—Mr. John F. O'Leary.

(4) Assignment of Work to Committee Members—Mr. John F. O'Leary.

(5) Selection of Next Meting Date.

(6) Discussion of Other Matters.

(7) Adjournment—Mr. Leon H. Friedlander.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30890 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Richard C. Byrd, Interstate Oil Compact Commission, Ottawa, Kansas.
Kathy Gramp, Consultant, Washington, D.C.
Andrew Kessock, Jr., Columbia Gas Transmission Corporation, Charleston, West Virginia.
Bruce Melaas, Celanese Corporation, Washington, D.C.
Calvin Roush, Federal Trade Commission, Washington, D.C.
Peter Susey, Ohio Energy Emergency Commission, Columbus, Ohio.

By the Commission.

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

[FR Doc.75-30863 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey and initial membership for the Executive Advisory Committee.

1. Membership. New members of the Executive Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission are as follows:

William Rosenberg, Assistant Administrator, Federal Energy Administration, Washington, D.C.
Ralph E. Lapp, Consultant, Alexandria, Virginia.
Bernard J. Clarke, Chairman and President, The Columbia Gas System, Inc., Wilmington, Delaware.
Robert S. Ryan, Director, Energy and Resource Development Agency, Ohio Energy Emergency Commission, Columbus, Ohio.
Robert O. Anderson, Chairman of the Board, Atlantic Richfield Company, Los Angeles, California.

Mr. Rosenberg replaces Mr. Donald B. Craven as a representative of the Federal Energy Administration. Mr. Craven will continue to serve on the Executive Advisory Committee as a representative of the law firm, Miller and Chevalier, Washington, D.C.

By the Commission.

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

[FR Doc.75-30848 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission are as follows:

Philip W. Frick, The Columbia Gas System, Inc., Wilmington, Delaware.
Arthur L. Litke, Financial Accounting Standards Board.
Fred Webber, Harris Bank Corporation, Inc., Chicago, Illinois.

By the Commission.

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

[FR Doc.75-30870 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members of the Research and Development Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Howard Hagler, Hittman Associates, Inc., Columbia, Maryland.
William F. Morse, Columbia Gas System Service Corporation, Columbus, Ohio.
Robert W. Shaw, Jr., Booz, Allen & Hamilton Inc., Bethesda, Maryland.

By the Commission.

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

[FR Doc.75-30846 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Paul Davidson, Rutgers University, New Brunswick, New Jersey.
Lucio A. D'Andrea, Federal Energy Administration, Washington, D.C.
Robert Kalish, American Gas Association, Arlington, Virginia.
Donald B. Craven, Miller and Chevalier, Washington, D.C.
Fred W. Batten, The Columbia Gas System, Inc., Wilmington, Delaware.
Hamp Baker, Corporation Commission of Oklahoma, Oklahoma City, Oklahoma.
Damon W. Harrison, Commonwealth of Kentucky, Department of Energy Frankfort, Kentucky.

Mr. Kalish replaces Mr. Edward Hardy as a representative of the American Gas Association. Mr. Hardy will continue to serve on the Supply-Technical Advisory Committee as a representative of Jensen Associates, Inc., Boston, Massachusetts.

By the Commission.

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

[FR Doc.75-30865 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. Membership. New members of the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert Moore, University of Wisconsin, Madison, Wisconsin.
W. K. McWilliams, Jr., McMoRan Exploration Company, New Orleans, Louisiana.
Richard E. Turley, University of Utah, Salt Lake City, Utah.

By the Commission.

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

[FR Doc.75-30866 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Foreign Gas Supply of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Foreign Gas Supply as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Leo J. Donovan, Booz. Allen & Hamilton Inc., Bethesda, Maryland.
Raymond H. Heffner, Jr., Bonray Oil Company, Oklahoma City, Oklahoma.
Edwin S. Nail, Cabot Corporation, Boston, Massachusetts.

By the Commission.

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

[FR Doc.75-30869 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Aaron L. Bond, New Mexico Environmental Improvement Agency, Santa Fe, New Mexico.
Thomas C. Kryzer, Burlington Northern Inc., Billings, Montana.

By the Commission.

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

[FR Doc.75-30847 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-PROSPECTIVE EXPLORATION AND DEVELOPMENT AND ADDITIONS TO RESERVES

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Joseph Mulholland, Federal Trade Commission, Washington, D.C.
Frank Lloyd, Atlantic Richfield Company, Los Angeles, California.
Robert Kalish, American Gas Association, Arlington, Virginia.

Mr. Kalish replaces Mr. Edward Hardy as representative of the American Gas Association. Mr. Hardy will continue to serve on the Supply-Technical Advisory Committee as a representative of Jensen Associates, Inc., Boston, Massachusetts.

By the Commission.

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

[FR Doc.75-30873, Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Philip E. LaMoreaux, Geological Survey of Alabama University, Alabama.

By the Commission.

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

[FR Doc.75-30864 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Meeting

In the matter of Transmission, Distribution & Storage-Technical Advisory Committee, Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, December 10, 1975, 9:30 a.m.

Presiding: Dr. Jack M. Heinemann, Coordinating Representative and Secretary, Federal Power Commission.

(1) Call to Order and Introductory Remarks—Dr. Jack M. Heinemann.

(2) Introduction of Technical Advisory Committee Cochairmen:

Mr. Harvey Proctor, Vice President, Pacific Lighting Corporation.
Mr. Willis A. Strauss, Chairman of the Board, Northern Natural Gas Company.

(3) Establishment of Priorities and Completion Dates for Work of the Committee.

(4) Assignment of Work to Committee Members.

(5) Selection of Next Meeting Date.

(6) Discussion of Other Matters.

(7) Adjournment—Dr. Jack M. Heinemann.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30892 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Richard Walker, Arthur Anderson & Company, Chicago, Illinois.

By the Commission.

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

[FR Doc.75-30877 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Elmer S. Biles, Bureau of the Census, U.S. Department of Commerce, Washington, D.C.

By the Commission.

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

[FR Doc.75-30871 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION AND STORAGE OF GAS

Order Designating Member

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

James Amspoker, Columbia Gas Transmission Corporation, Charleston, West Virginia.

2. Chairman. Mr. Amspoker is also designated Chairman of the Transmission, Distribution & Storage-Technical Advisory Task Force-Transmission, Distribution and Storage of Gas.

By the Commission.

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

[FR Doc.75-30875 Filed 11-14-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-RATE DESIGN

Order Designating Members

NOVEMBER 5, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Jerome Stockhausen, The Columbia Gas System, Inc., Wilmington, Delaware.

2. Vice Chairman. The following member previoulsy appointed to the Transmission, Distribution & Storage-Tech-

nical Advisory Task Force-Rate Design is designated as Vice Chairman.

Richard W. Walker, Arthur Anderson Company, Chicago, Illinois.

By the Commission.

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

[FR Doc.75-30876 Filed 11-14-75;8:45 am]

[Docket No. CP75-314]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

NOVEMBER 6, 1975.

Take notice that on October 24, 1975 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Eleventh Revised Sheet No. 1 and Original Sheet Nos. 357 through 368 to its F.P.C. Gas Tariff, Original Volume No. 2, such sheets proposed to be made effective September 26, 1975.

Due to the nature of this service Panhandle requests waiver of § 154.22 of the regulations in order that these sheets be made effective September 26, 1975.

The company states that these sheets are filed pursuant to Paragraph (E) of the Commission's Order issued September 26, 1975 in the above referenced docket, and reflect the Exchange Agreement between Panhandle, Kansas-Nebraska Natural Gas Company, Inc. and El Paso Natural Gas Company dated June 17, 1974, as amended November 7, 1974.

Panhandle states that copies of its filing have been served on Kansas-Nebraska Natural Gas Company, Inc. and El Paso Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 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.75-30889 Filed 11-14-75;8:45 am]

[Project No. 477]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License

NOVEMBER 5, 1975.

On November 13, 1973, Portland General Electric Company, Licensee for Bull Run Project No. 477, located in Mount Hood National Forest on the Sandy River, in Clackamas County, Oregon, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 477 was issued effective November 17, 1924, for a period ending November 16, 1974. In order to authorize the continued operation and maintenance of the Bull Run Project pursuant 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 Portland General Electric Company for continued operation and maintenance of Project No. 477.

Take notice that an annual license is issued to Portland General Electric Company (Licensee under the Federal Power Act for the period November 17, 1975, to November 16, 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 Bull Run Project No. 477, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30878 Filed 11-14-75;8:45 am]

[Docket No. ER76-149]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Supplemental Data to Proposed Change in Rates and Charges

NOVEMBER 5, 1975.

Take notice that on October 30, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing additional data to supplement the following proposed electric service tariffs tendered by PSCI for filing on September 23, 1975:

(A) Revised Tariff for wholesale service to municipal utilities, designated as PSCI's FPC Electric Tariff Original Volume No. 1 (4th Revision);

(B) Revised Tariff for wholesale service to rural electric membership corporation (REMCs), designated as PSCI's FPC Electric Tariff Original Volume No. 2 (2nd Revision);

(C) Revised Tariff for firm power service under interconnection agreements with the Cities of Crawfordsville, Peru, Washington, Logansport and Frankfort, designated as 2nd Revised Exhibit I to its Rate Schedule FPC Nos. 211, 212, 215, 223 and 224;

(D) Revised Tariff for firm power service under the inter connection agreement with Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative, Inc., designated as 2nd Revised Exhibit I to PSCI's Rate Schedule FPC No. 222.

PSCI states that the purpose of this additional data is to comply with the Commission Secretary's letter of October 7, 1975, to PSCI informing PSCI that its original filing was assessed as deficient and requesting PSCI to submit the required data in accordance with the Commission's Regulations under the Federal Power Act.

Any person desiring to be heard or to protest said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30879 Filed 11-14-75;8:45 am]

[Docket No. ID-1596]

RUSSELL W. BRITT

Application

NOVEMBER 5, 1975.

Take notice that on October 3, 1975, Russell W. Britt, (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Wisconsin Electric Power Company, Public Utility.

Wisconsin Electric Power Company is engaged principally in the generation, transmission, distribution and sale of electric energy to 223 communities in a territory having an area of approximately 4,015 square miles in southeastern Wisconsin, including the metropolitan Milwaukee area, and having an estimated population of 1,927,000. Company also sells power at wholesale and supplies steam for heating in a portion of the downtown business section of Milwaukee.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-30880 Filed 11-14-75;8:45 am]

SOHIO PETROLEUM CO.

[Docket No. RI76-47]

Petition for Special Relief

NOVEMBER 5, 1975.

Take notice that on October 17, 1975, Sohio Petroleum Company (Petitioner), 1100 Penn Tower, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI76-46, pursuant to Order No. 481 and § 2.76 of the Commission's general policy and interpretations. Petitioner seeks a price of 29.193 cents per Mcf for the sale of gas to Panhandle Eastern Pipe Line Company under Petitioner's FPC Gas Rate Schedule Nos. 154 and 156 from the McCaslin No. 1 Well, N.E. Keenan Field, Woodward County, Oklahoma. The petition is based upon the cost on installing compression equipment in the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 25, 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 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.75-30881 Filed 11-14-75;8:45 am]

[Docket No. CP76-136]

TENNESSEE GAS PIPELINE CO.

Application

NOVEMBER 5, 1975.

Take notice that on October 16, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-136 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural) and Columbia Gas Transmission Corporation (Columbia Gas) for a two-year period, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization in the instant application to transport on a best-efforts basis, up to 30,000 Mcf of natural gas per day for Natural and up to 6,000 Mcf of gas per day for Columbia Gas, for a two-year period from November 1, 1975, to November 1, 1977, in the jointly owned pipeline facilities of Columbia Gulf Transmission Company (Columbia Gulf), Natural and Applicant (CNT pipeline). The proposed transportation would be from Block 331, Eugene Island Area, offshore Louisiana, to Block 241, Eugene Island Area, offshore Louisiana. Applicant states that each of the three joint owners of the CNT pipeline is entitled to one-third of the initial design capacity of 225,000 Mcf per day. It is further stated that both Columbia Gas and Natural anticipate having available volumes of gas in excess of their capacities in the CNT pipeline for the next two years and have requested Applicant to assist them in transporting such gas through the CNT pipeline.

Pursuant to an agreement between Applicant, Natural and Columbia Gas Gas dated September 10, 1975, such transportation would be rendered by Applicant to Natural and Columbia Gas at the rate of 7.0 cents per Mcf transported by Applicant for volumes of gas in excess of 75,000 Mcf per day for either of the other parties to the agreement.

In addition, Applicant also proposes to transport for Columbia Gas the excess volumes delivered to Applicant in Block 338, Eugene Island Area for transportation to the CNT pipeline. For the additional service, Applicant proposes to charge Columbia Gas 3.76 cents per Mcf delivered.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 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.75-30882 Filed 11-14-75;8:45 am]

[Docket No. ID-1770]

THOMAS J. CASSIDY

Application

NOVEMBER 5, 1975.

Take notice that on October 2, 1975, Thomas Cassidy, (Applicant) filed an initial application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Wisconsin Electric Power Company, Public Utility.
Director, Wisconsin Michigan Power Company, Public Utility.

Wisconsin Electric Power Company is engaged principally in the generation, transmission, distribution and sale of electric energy to 223 communities in a territory having an area of approximately 4,015 square miles in southeastern Wisconsin, including the metropolitan Milwaukee area, and having an estimated population of 1,927,000. Company also sells power at wholesale and supplies steam for heating in a portion of the downtown business section of Milwaukee.

Wisconsin Michigan Power Company is engaged in the generation, transmission, distribution and sale of electric energy in a territory having an area of approximately 8,630 square miles in the Fox River Valley and northern Wisconsin and in the upper peninsula of Michigan, and having an estimated population of 245,000. Electric service is furnished in 173 communities, of which 107 are in Wisconsin and 66 are in Michigan.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30883 Filed 11-14-75;8:45 am]

[Docket No. CP76-152]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

NOVEMBER 10, 1975.

Take notice that on November 4, 1975, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77001, filed in Docket No. CP76-152 an application pursuant to

section 7 of the Natural Gas Act, as amended, the rules and regulations of the Federal Power Commission issued thereunder and § 2.79 of the Commission's general policy and interpretations for a certificate of public convenience and necessity authorizing Transco to transport up to 4,000 Mcf of natural gas per day on an interruptible basis for PPG Industries, Inc. (PPG), an existing industrial customer of both the City of Lexington, North Carolina (Lexington) and the City of Shelby, North Carolina (Shelby), both of which are Transco CD–2 customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by PPG from production in the Vermilion Block 16 Field (state waters), Vermilion Parish, Louisiana and delivered to Transco at the existing interconnection of the Vermilion Block 16 Field with Transco's Central Louisiana Gathering System. Transco will deliver the gas to existing points of delivery to Lexington and Shelby for the account of PPG. PPG will pay Transco an initial charge of 22 cents per Mcf delivered to Lexington and Shelby for PPG's account, and Transco will retain 3.8 percent of the transportation volumes for compressor fuel and line loss makeup.

The applicaton states that the gas is intended for high priority process use in PPG's Lexington and Shelby, North Carolina plants.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 protestant parties to the proceedings. 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 to be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30845 Filed 11-14-75;8:45 am]

[Docket No. ID-1704]

WARREN A GRETEN

Application

NOVEMBER 5, 1975.

Take notice that on October 6, 1975, Warren A. Greten, (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

The Connecticut Light and Power Company a Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company a Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts Electric Company a Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power Company a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company a wholly-owned subsidiary of Holyoke Water Power Company which conducts certain of that Company's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30884 Filed 11-14-75;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FEDERAL REGIONAL STRUCTURE

Amendments to Directory

The Directory of Federal Regional Structure which appeared in the FEDERAL REGISTER of Tuesday, September 30, 1975 (40 FR 45006) is amended to reflect the following changes on page 45050:

Department of the Interior
Bureau of Land Management

State Offices

City/State	State Director	Address	Telephone
Phoenix, Ariz. 85073	Robert O. Buffington	2400 Valley Bank Center	602–261–3873

Outer Continental Shelf Offices

City/State	Manager	Address	Telephone
Anchorage, Alaska 99510	Edward J. Hoffmann	800 A St., P.O. Box 1159	907–279–4578
New York, N.Y. 10048	Frank M. Basile	6 World Trade Center, Suite 600–D	212–264–2960

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.75–30787 Filed 11–14–75;8:45 am]

FEDERAL RESERVE SYSTEM

CITICORP

Order Denying Acquisitions of Amfac Credit Corporation, West Coast Credit Corporation, and Federal Discount Corporation

Citicorp, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has filed three separate applications for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly through its subsidiary Nationwide Financial Services Corporation ("Nationwide"), all of the voting shares of Amfac Credit Corporation ("Amfac"), Los Angeles, California, and West Coast Credit Corporation ("West Coast"), Seattle, Washington, and to acquire substantially all of the assets of Federal Discount Corporation ("Federal Discount"), Dubuque, Iowa (referred to collectively as "Finance Companies"). Amfac engages primarily in making consumer installment loans, accounts receivable financing, and equipment financing; West Coast and Federal Discount engage primarily in making consumer installment loans and purchasing consumer installment sales finance contracts. In addition, all of the Finance Companies act as agent in the sale of credit life, credit accident and health, and where permitted under applicable State law, property and casualty insurance, all of which are directly related to extensions of credit by the offices of the Finance Companies. These activities are conducted through offices of the Finance Companies which operate as industrial banks or as consumer finance companies. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (2), and (9)).

Notices of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, have been duly published (40 FR 19540 and 24770). The time for filing comments and views has expired, and the Board has considered all comments received, including comments filed by the Southern Consumer Law Center, Atlanta, Georgia, and Mr. Anthony R. Martin-Trigona, Chicago, Illinois, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).[1]

Applicant, the largest banking organization in New York State and the second largest banking organization in the United States, controls seven subsidiary banks operating an aggregate total of 279 banking offices throughout New York State.[2] Applicant's lead bank, First National City Bank ("Citibank"), New York, New York, is the largest bank in New York State with domestic deposits of $21.3 billion,[3] representing 15.4 percent of the total commercial bank deposits in the State, and offers a full range of retail, wholesale, domestic, and international banking and trust services. Applicant engages in a variety of permissible nonbank activities through 85 direct and indirect domestic nonbank subsidiaries.[4] Applicant's nonbank activities include mortgage banking activities and leasing activities, and through Nationwide, Applicant engages in consumer and sales finance activities and in the sale of insurance which is directly related to extensions of credit.

In order to approve the subject application, section 4(c)(8) of the Bank Holding Company Act requires the Board to find that the performance of a particular activity by an affiliate of a bank holding company "can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." This balancing test necessitates a positive showing of public benefits, outweighing the "possible" adverse effects of any proposed acquisition, before an application may be approved. Applicant must bear this burden.

Applicant acquired Nationwide in 1973, at which time Nationwide had assets of $31 million and operated 85 small loan offices in 14 States. Since that time, Applicant has engaged in an aggressive program of expansion, and since 1973, Nationwide has opened 87 new offices and has entered seven additional States. At the present time, Nationwide has assets of $203.4 million,[5] total net receivables of $175 million, and operates 172 offices in 21 States.

Amfac (total assets of $54.3 million [6]), operates 28 offices, primarily in southern California, which make consumer and commercial loans. West Coast (total assets of $8.7 million [7]), operates 20 offices in the State of Washington, which make secured and unsecured direct consumer loans and purchase sales finance paper. Federal Discount (total assets of $32.2 million [8]), controls seven wholly-owned subsidiaries which operate a total of 67 offices in the States of Iowa, Illinois, Wisconsin, Minnesota, and North Dakota, and which make direct consumer loans and purchase sales finance paper.

Nationwide operates five offices in California which engage in consumer installment lending activities. Four of these offices compete directly with 19 of the offices operated by Amfac. While neither Nationwide nor Amfac is viewed as a leading competitor in any of the local consumer finance markets in California, the combination of the two firms would, nevertheless, eliminate some existing competition and would deprive the public of one alternative source of consumer credit.

Nationwide operates four offices in the State of Washington which engage in the activity of making personal consumer loans. Three of these offices compete directly with 13 of the offices operated by West Coast. As in California, even though there are numerous alternative sources of credit, the combination of these two firms would eliminate some existing competition and would deprive the public of an alternative source of consumer credit.

Federal Discount operates offices in 57 markets which engage in the acivity of making direct consumer loans. Nation-

[1] Mr. Anthony R. Martin-Trigona has filed with the Board several letters expressing objection to Applicant's proposal with respect to the application to acquire Federal Discount and requesting that a formal hearing be held on the application. Citicorp has contested both Mr. Martin-Trigona's standing and the timeliness of his request for a hearing. By the Board's action herein, Mr. Martin-Trigona's request for a hearing becomes moot and, accordingly, no determination has been made with respect to his standing. In an Order entered July 28, 1975, in connection with the application of Mellon National Corporation to acquire Local Loan Company, the Board expressed doubt that Mr. Martin-Trigona satisfied the tests of standing that have been articulated by the courts, and indicated that in future cases in which he claimed standing as a potential competitor it would expect to be presented with credible evidence that he has taken meaningful and concrete steps to enter the consumer finance business. As of this date, no such further evidence has been submitted.

[2] Number of banking offices as of December 31, 1974.

[3] Deposit data are as of December 31, 1974.

[4] Applicant engages in mortgage banking activities through Advance Mortgage Company ("Advance"), Southfield, Michigan, a nonbank subsidiary which Applicant acquired on June 15, 1970. Under the provisions of section 4(a)(2) of the Act, Applicant may not retain the shares of Advance beyond December 31, 1980, without Board approval. By Order dated December 26, 1973, the Board denied Applicant's application to retain Advance pursuant to section 4(c)(8) of the Act. (60 Federal Reserve Bulletin 50.)

[5] Asset data as of December 31, 1974.

[6] Asset data as of March, 1975.

[7] Asset data as of March, 1975.

[8] Asset data as of June, 1975.

wide competes directly with Federal Discount in only one market and neither company represents a significant competitive force in that market.

In addition to the elimination of existing competition between Nationwide and each of the Finance Companies, the facts of record indicate that consummation of these acquisitions also would result in the elimination of future and potential competition. Consummation of the proposed acquisitions would foreclose the likelihood that increased competition would develop in the future between Nationwide and each of the Finance Companies in those markets where the Finance Companies presently compete with Nationwide. In addition, Applicant has the financial and managerial resources to expand Nationwide on a de novo basis into many, if not most, of the other areas served by each of the Finance Companies. Furthermore, Nationwide's past expansion, noted above, demonstrates an inclination toward such expansion. The Board also notes that legal barriers to geographic expansion by Nationwide into most of the States and local markets served by each of the Finance Companies appear to be relatively low in terms of capital requirements, license costs, and the number of licenses granted in past years in the respective States. In those States where the legal barriers to entry may appear to be somewhat more restrictive, Nationwide would appear to be able to surmount those barriers with a reasonable amount of effort. Accordingly, the loss of existing, future, and potential competition in the various consumer finance markets served by the respective Finance Companies represents an adverse effect which is likely to result from this proposal and which must be considered in evaluating this proposal.

While the elimination of existing, future, and potential competition between Nationwide and each of the Finance Companies is a source of concern to the Board when viewed as individual factors, it represents an even more serious adverse effect of these proposals when examined, as the Board believes it must be, in conjunction with a collateral issue that has greater implications with respect to the public interest. The facts of record of these aplications show that Applicant is one of the leading bank holding companies in the United States, that it already has a consumer finance subsidiary which is both substantial and growing in size, that Applicant's subsidiary has achieved a significant presence in the finance company industry, and that Applicant has gained expertise and managerial talent in this financial area. The Board is of the view that, when all of these factors are present, a proposal involving subsequent acquisitions of additional finance companies which are more than insignificant footholds in the consumer finance industry offers substantially diminished returns to the public interest.[9] Furthermore, Amfac and West Coast are among the largest remaining independent finance companies in their respective States, California and Washington, and all three Finance Companies represent attractive vehicles by which bank holding companies that have not yet entered the finance company field might do so. If banking organizations that already have fairly sizable consumer finance subsidiaries are permitted to make additional acquisitions of the relatively few remaining independent consumer finance firms, substantial barriers to entry into the consumer finance industry would be raised. The Board believes it is desirable to foster the growth of as many significant nationwide consumer finance competitors as possible, and further, that Applicant's proposed acquisitions would have an undesirable effect on such growth.

In addition to adverse factors set forth above, this proposal raises other areas of some concern to the Board. An expansionary program, such as Applicant proposes for Nationwide, must necessarily be accompanied by concern for funding requirements and diversion of managerial talent away from solving existing problems to coping with those problems which result from the expansion. As the Board has previously stated on a number of occasions, a bank holding company should be a source of financial and managerial strength for its subsidiary banks. The Board has in the past expressed its general concern with the rapid expansion of some U.S. banking organizations in both domestic and foreign markets and the implications of such expansion for the financial positions of the institutions. In cases where a banking organization has experienced significant growth, the Board believes that additional weight must be given to considerations of whether proposals that would utilize funds for further expansion rather than for improvement of the organization's financial position are consistent with the public interest standard of section 4(c)(8) of the Act. A proposal which would divert funds to expansion, when those funds would be better utilized for improvement of the financial position, must be accorded adverse weight. The facts of record of this proposal indicate that approval of these three applications would result in the expenditure by Applicant of approximately $28 million, including up to $11.5 million in near-term post-acquisition commitments. In addition, consummation of this acquisition is likely to result in further diffusion of Applicant's managerial resources through further diversion of Applicant's and Citibank's experienced managers to Applicant's and Citibank's affiliates and subsidiaries. The Board is of the opinion that, at the present time, Applicant might better serve the public by directing its financial and managerial resources toward maintaining strong and efficient operations within its existing structure.

As stated aboye, Applicant must bear the burden of showing that benefits to the public which may be expected to result from this proposal outweigh in the public interest the possible adverse effects discussed above. Toward this end, Applicant argues that consummation of the proposal would provide Nationwide with an optimum number of offices to realize a scale of operations necessary to implement certain economies. Applicant indicates that the resulting savings might make it possible to provide substantial public benefits, including lower finance charges. However, Applicant offers no assurances that a reduction in finance charges, or any other benefits in the area of improved and expanded services, will be implemented. The Board believes that Applicant has failed to meet the burden of demonstrating that the acquisition of these firms would result in public benefits which are likely to outweigh possible adverse effects. Furthermore, even if the proposed benefits could be assured, it is still not clear that Applicant would meet the burden of outweighing the possible adverse effects since the facts of record indicate that Applicant can eventually, through the less anticompetitive means of de novo expansion and foothold acquisitions, achieve a scale of consumer finance operations sufficient to permit implementation of any technological and other operating economies which may result in benefits to the public.

Based on the foregoing and other considerations reflected in the record,[10] the Board has determined, in accordance with the provisions of section 4(c)(8), that the benefits to the public reasonably expected to result from consummation of this proposal do not outweigh the possible adverse effects and that the application should be denied. Accordingly, the application is hereby denied.

By order of the Board of Governors,[11] effective November 10, 1975.

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

[FR Doc.75-30923 Filed 11-14-75;8:45 am]

MICHIGAN NATIONAL CORP.

Order Approving Change in the Method of Acquisition of West Oakland Bank (N.A.), Novi, Michigan

By Order of May 27, 1975 (40 FR 23935), the Board approved an application by Michigan National Corporation, Bloomfield Hills, Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, to acquire 100 percent of the voting shares (less directors' qualifying shares) of West Oakland Bank, National Association, Novi, Michigan ("Novi Bank").

Applicant has requested approval by the Board of a change in the method of acquiring Novi Bank from an exchange of Applicant's stock to a cash payment

[9] Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[10] Voting for this action: Chairman Burns and Governors Bucher, Holland, Coldwell and Jackson. Voting against this action: Governor Mitchell. Absent and not voting: Governor Wallich.

by Applicant for the purchase of the outstanding voting shares of Novi Bank. Applicant has stated that changing market conditions since the date of the offer to the Board of Directors of Novi Bank (on February 15, 1974) and the date of Board approval, have made renegotiation of its original purchase agreement appropriate and that the proposed direct cash purchase of Novi Bank's outstanding voting shares would result in consummation of the proposed transaction in a manner most consistent with the terms of the original purchase agreement.

The Board has reviewed the terms of the proposed change in the method of acquisition and has concluded, based on all the facts of record, including the amount of cash that would be paid out, that the amended method of acquisition would not significantly alter the banking factors considered by the Board in its order of May 27, 1975, to be consistent with approval. The Board concludes, therefore, that the request should be granted. The Board's order of May 27, 1975, is hereby amended to permit Applicant to acquire 100 percent of the voting shares (less directors' qualifying shares) of Novi Bank by means of a direct cash purchase by Applicant.

By order of the Board of Governors,[1] effective November 7, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30924 Filed 11-14-75;8:45 am]

NEW MEXICO BANCORPORATION, INC.

Order Approving Acquisition of Bank

New Mexico Bancorporation, Inc., Sante Fe, New Mexico ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Fidelity National Bank, Albuquerque, New Mexico ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in New Mexico, controls two banks with consolidated deposits of approximately $82.3 million, representing approximately 3.13 percent of the total deposits in commercial banks in the State.[2] Acquisition of Bank would increase Applicant's share of deposits only slightly, and would not result in a significant increase in the concentration of banking resources in New Mexico. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank, holding deposits of $20.4 million, is the sixth largest of ten banking organizations in the Albuquerque banking market and holds 1.79 percent of the deposits in commercial banks in the market.[3] None of Applicant's subsidiary banks are located in the Albuquerque banking market. These banks are located 60 miles or more from Bank and derive only minimal amounts of deposits and loans from Bank's service area. Current population per banking office ratios suggest that de novo entry into the Albuquerque area is unlikely. The proposed acquisition would neither eliminate any significant existing competition nor foreclose any potential competition between Applicant's subsidiary banks and Bank. Therefore, it has been determined that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are generally satisfactory. Accordingly, banking factors are consistent with approval. Affiliation with Applicant also would enable Bank to offer certain specialized banking services and more readily obtain participations for loans in excess of its lending limit. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It has been determined that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Acting Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective November 11, 1975.

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

[FR Doc.75-30925 Filed 11-14-75;8:45 am]

OWEN-CURTISS FINANCIAL CORP.

Formation of Bank Holding Company

Owen-Curtiss Financial Corporation, Owen, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 91.33 percent of the voting shares of Owen-Curtiss State Bank, Owen, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 8, 1975.

Board of Governors of the Federal Reserve System, November 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30926 Filed 11-14-75;8:45 am]

SOUTHLAND BANCORPORATION

Acquisition of Bank

Southland Bancorporation, Mobile, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Fairhope, Fairhope, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 10, 1975.

Board of Governors of the Federal Reserve System, November 11, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-30927 Filed 11-14-75;8:45 am]

SPRINGVIEW BANCORPORATION

Order Approving Formation of Bank Holding Company

Springview Bancorporation, Springview, Nebraska ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent or more of the voting shares of The First National Bank of Springview, Springview, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors

[1] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

[2] All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the Board as of October 10, 1975.

[3] The Albuquerque banking market is approximated by Bernalillo County.

set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. Bank is the 256th largest banking organization in Nebraska with total deposits of approximately $5 million, representing 0.1 percent of total deposits held by commercial banks in the State.[1] Bank is the only bank in Keya Paha County, which county approximates the relevant market. The proposed transaction essentially represents a corporate reorganization, and consequently, the proposed transaction would effect no immediate change in the concentration of banking resources in any relevant market and have no adverse effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and mangerial resources and future prospects of Applicant are dependent upon those of Bank, which are considered to be generally satisfactory, in view of a capital contribution of $100,000 that Applicant will make to it. Bank's projected income is regarded as adequate to service the debt that would be incurred by Applicant incident to the acquisition without impinging on the growth of Bank's capital and Applicant's projections of Bank's assets do not appear unreasonable. Thus, the considerations relating to the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank upon consummation of the proposal, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons set forth above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 10, 1975.

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

[FR Doc.75-30928 Filed 11-14-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] Voting for this action: Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Mitchell and Wallich.

PROFILE BANKSHARES, INC.

Order Approving Formation of Bank Holding Company and Operation of a Guaranty Savings Bank

Profile Bankshares, Inc., Rochester, New Hampshire, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) ("Act") of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of First National Bank of Rochester, Rochester, New Hampshire ("Bank").

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 80 percent or more of the voting shares of Rochester Savings Bank and Trust Company, Rochester, New Hampshire ("Savings Bank"). Savings Bank is a company that engages in the activities of a guaranty savings bank in New Hampshire. Such an activity has not heretofore been determined by the Board as permissible for bank holding companies.

Notice of receipt of these applications has been given in accordance with sections 3 and 4 of the Act (40 FR 7007) and the time for filing comments and views has expired. The Board has considered the applications and all comments received, including those of Mr. Paul Batcheller Urion of Rochester, New Hampshire ("Protestant"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)). No request for a hearing has been received.

Applicant is a nonoperating corporation organized for the purposes of becoming a bank holding company through the acquisition of Bank and of operating a guaranty savings bank in New Hampshire through the acquisition of Savings Bank. Bank holds deposits of $11.4 million, which represent 0.9 percent of the total commercial bank deposits in New Hampshire.[1] Bank controls 15.3 percent of total deposits held by commercial banks in the Dover-Rochester banking market (the relevant banking market),[2] and is the third largest of nine commercial banks operating within the market.

Savings Bank holds deposits of $58.6 million, which represent 3.6 percent of the total deposits in saving banks in the State. Within the relevant market, Savings Bank holds 31.2 percent of the total deposits in savings banks operating in the market.

The proposal is essentially restructuring of the ownership of both Bank and Savings Bank whereby ownership will be shifted to a corporation owned by the shareholders of each. Neither institution offers any of the services offered by the other, nor engages in the activities engaged in by the other, to a degree that is considered significant. Bank has primarily limited its activities to accepting demand deposits and making commercial and consumer loans. Savings Bank, on the other hand, has limited its operations primarily to services complementing those offered by Bank; it accepts time and savings deposits, acts as a fiduciary, deals in real estate mortgage financing, provides trust services,[3] and maintains a safe deposit facility. In light of the above and other facts in the record, no significant existing competition will be eliminated as a result of consummation of the proposals herein. It also appears that no significant future competition would be eliminated. There is a long history of cooperative operation between the two institutions, and they are characterized by a high degree of common ownership. It appears unlikely that such a relationship would be altered if the subject proposals were denied. On the basis of the record before it, the Board concludes that consummation of the proposals would not eliminate significant existing competition nor foreclose potential competition.

With respect to Statewide structure, formation of Applicant will result in the creation of a bank holding company controlling $11.4 million in commercial bank deposits and $58.6 million in time and savings deposits. Banking in New Hampshire is not particularly concentrated and consummation of Applicant's proposal will not significantly alter the structure of banking in the State.

The financial condition and managerial resources of Applicant, which will be primarily dependent upon those of Bank and Savings Bank, are considered satisfactory and its future prospects appear favorable. Thus, considerations relating to banking factors are consistent with approval of the application to acquire Bank.

In acting on the application to acquire Savings Bank, the Board must determine under the provisions of section 4(c)(8) of the Act whether operation of a guaranty savings bank in New Hampshire is so closely related to banking as to be a proper incident thereto.[4] In this regard, the Board notes guaranty savings banks

[1] Unless otherwise indicated, all banking data are as of June 30, 1974.

[2] The Dover-Rochester banking market is approximated by Strafford County, the towns of Brookfield and Wakefield in Carroll County, New Hampshire, and the towns of Berwick and South Berwick in York County, Maine.

[3] Because of special charter powers, only two of the six guaranty savings banks in New Hampshire, including Savings Bank, have trust powers.

[4] In commenting on the kinds of connections that may qualify an activity as "closely related" to banking within the meaning of section 4(c)(8) of the Act, the D.C. Court of Appeals indicated that at least the following seemed as within the statutory intent:

"1. Banks generally have in fact provided the proposed services.

2. Banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed service.

3. Banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form." (National Courier Association v. Board of Governors of the Federal Reserve System, 516 F. 2d 1229, 1237 (1975)).

are unique to New Hampshire and, of the six guaranty savings banks operating in the State, three are affiliated with a commercial banking institution. Moreover, each of the main customer services offered by guaranty savings banks (i.e. accepting time and savings deposits, acting as a fiduciary and dealing in real estate mortgage financing) are offered by commercial banks generally. It is the Board's view, in light of the above and other facts of record, including the unique structural and competitive circumstances existing in New Hampshire, that the proposed activity is so closely related to New Hampshire banking as to be a proper incident thereto.

It is expected that approval of the applications would result in more efficient operation of both Bank and Savings Bank through the use of combined managerial and financial resources and the elimination of duplicative management functions. Moreover, the raising of capital for both institutions should be facilitated through the holding company structure. Finally, because of Applicant's bank holding company organization, it would be able to better adapt to the apparent long-run prospects of the communities it serves. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

In its consideration of the subject applications, the Board has considered the comments of Protestant. The only comments of Protestant that appear to bear upon factors the Board must consider in acting upon applications under sections 3 or 4 of the Act concern his criticism of Applicant's proposed management, which will be composed mainly of the principal officers of Bank and Savings Bank. Protestant alleges that Savings Bank's management, which will become an integral part of Applicant, is not satisfactory in view of some problems involving real estate loans. He also alleges that approval will allow management of Applicant to have access to the combined surpluses, undivided profits and retained earnings of Bank and Savings Bank and allow them to use such funds to correct errors of management. Although Savings Bank may have experienced problems with a small number of loans, on the basis of all the facts of records its management must be regarded as satisfactory. Furthermore, the record in this case does not reveal that any of the capital accounts of Bank or Savings Bank have been dissipated in the past, nor does it appear likely that such dissipation would occur in the future. In any event, the Board has authority under Federal law (12 U.S.C. 1818) to take appropriate action to ensure that bank holding companies cease and desist from engaging in any unsafe or unsound banking practices.

Protestant does not allege that approval of the proposal would result in any significant adverse effects upon competition in any relevant area; nor with respect to Applicant's proposal to acquire Savings Bank, does he allege that operation of a guaranty savings bank in New Hampshire is not closely related to banking or that no public benefits would result from Applicant's operation of Savings Bank. Accordingly, having considered the arguments of Protestant, it is the Board's judgment that the facts of record do not warrant denial of the applications.

On the basis of the foregoing and all of the facts of record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) of the Act in permitting a bank holding company to engage in an activity on the basis that it is closely related to banking both favor approval of the applications.

The applications are hereby approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this order, and, neither the acquisition of Bank nor the acquisition of Savings Bank shall be made later than three months after the effective date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority. The determination as to Applicant's operation of Savings Bank is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective November 11, 1975.

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

[FR Doc.75-30929 Filed 11-14-75;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content; Correction

In FR Doc. 75-29925 appearing at pages 52440-2 for Monday, November 10, 1975, the entry under "Nicotine" for Iceberg 100's, 100 mm, filter, menthol should be .6 not 1.6 as reported; and the entry under "Nicotine" for Vantage, King size, filter, menthol should be .7 not .8 as reported.

Dated: November 13, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-31084 Filed 11-14-75;8:45 am]

INTERNATIONAL JOINT COMMISSION

ST. LAWRENCE SEAWAY AUTHORITY

Application for Partial Closure of the St. Lawrence River

In the matter of the application of the St. Lawrence Seaway Authority to effect partial closure of a section of the St. Lawrence River between Toussaint Island and Presqu'ile near Iroquois, Ontario.

Notice is hereby given that the International Joint Commission has received an Application from the St. Lawrence Seaway Authority to effect partial closure of a section in the St. Lawrence River between Toussaint Island and Presqu'ile situated entirely on the Canadian side of the international boundary immediately above Iroquois Locks near Iroquois, Ontario. The Application has been filed pursuant to Article III of the Boundary Waters Treaty of 1909.

The applicant advises that an increasing number of accidents to downbound vessels entering Iroquois Locks has occurred during the last five years. Vessels involved in those accidents were affected by the cross currents from the Canadian Channel located between Toussaint Island and Presqu'ile. The Applicant further states that the requested partial closure will have no measurable effect on the level of water above Toussaint Island and that this closure of the Canadian Channel will increase velocities in the remaining cross-section of the River by not more not more than five percent.

Governments and interested persons, including municipalities, corporations, partnerships, associations and individuals may submit Statements in Response to the Application to the Commission prior to December 15, 1975, at either of the addresses noted below; such Statements in Response should set forth facts and arguments in opposition to or support of the Application in whole or in part. If it is desired that conditional approval be granted, the Statement in Response should set forth the particular condition or conditions desired.

Copies of the Application are available on request from the Secretaries of the Commission and from the office of D. Witherspoon, Great Lakes-St. Lawrence Study Office, Environment Canada, Cornwall, Ontario.

The Commission will hold a public hearing early in the new year at which all persons interested will be entitled to

[1] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

be heard with respect thereto. Time and place of such hearings will be announced subsequently.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario K1P 5H3.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission, 1717 H Street, N.W., Suite 200, Washington, D.C. 20440.

NOVEMBER 11, 1975.

[FR Doc.75-30948 Filed 11-14-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-19]

GLASS FIBER OPTIC DEVICES AND INSTRUMENTS EQUIPPED WITH GLASS FIBER OPTIC DEVICES

Postponement of Hearing

In a notice issued August 22, 1975 (40 FR 38191), the United States International Trade Commission instituted an investigation to determine whether the unlicensed importation and sale in the United States of glass fiber optice devices and instruments equipped with glass fiber optic devices are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such glass fiber optic devices by the claims of U.S. Patent No. 3,589,793. Pursuant to a Commission decision of October 2, 1975, the date of response to complaint was extended to October 29, 1975; the date of reply to the response was extended to November 14, 1975; the temporary exclusion hearing was postponed from November 4, 1975 until December 4, 1975; and the prehearing conference scheduled for October 16, 1975 was postponed indefinitely. Based on a motion filed jointly by complainant and respondents on October 28, 1975, it is hereby ordered that: the date for response to the complaint is postponed from October 29, 1975, to November 14, 1975; the date for reply to the response is postponed from November 14, 1975, to December 2, 1975; and the date for the temporary exclusion hearing is postponed from December 4, 1975, to December 17, 1975.

Issued: November 12, 1975.

[SEAL] MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.75-31000 Filed 11-14-75;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

PROPOSED DELEGATIONS OF AUTHORITY

Meeting

The National Capital Planning Commission will consider at its meeting on December 4 the adoption of the following proposed delegations of authority. Interested parties are requested to submit their written comments prior to November 28, 1975 addressed to:

Daniel H. Shear, Secretary, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

I. Definitions. The following terms, which are in italics wherever they appear herein, shall have the following meanings, unless a different meaning clearly appears from the context:

"Agency" means the District of Columbia Redevelopment Land Agency established by the *Redevelopment Act.*

"Commission" means the National Capital Planning Commission created by the *Planning Act.*

"Comprehensive Plan" means the Comprehensive Plan for the National Capital prepared and adopted pursuant to the *Planning Act.*

"Council" means the Council of the District of Columbia as defined in section 103 of the *Home Rule Act.*

"Environs" means the territory surrounding the District of Columbia within the National Capital Region as defined in section 1(b) of the *Planning Act.*

"Executive Director" means the Director employed by the *Commission* pursuant to section 2(c) of the *Planning Act.*

"Home Rule Act" means the District of Columbia Self-Government and Governmental Reorganization Act (December 24, 1973, 87 Stat. 774).

"Mayor" means the Mayor of the District of Columbia as defined in section 103 of the *Home Rule Act.*

"Planning Act" means the National Capital Planning Act of 1952, as amended (40 U.S.C. 71-711, 72, 73, 74; D.C. Code, secs. 1-1001 to 1-1013).

"Redevelopment Act" means the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, secs. 5-701 to 5-719).

"Zoning Act" means the Act of June 20, 1938, 52 Stat. 797, as amended (D.C. Code, secs. 5-413 to 5-428).

"Zoning Commission" means the Zoning Commission created by Section 1 of the Act of March 1, 1920, 41 Stat. 500, as amended (D.C. Code, sec. 5-412).

"Zoning Regulations" means the regulations, including the maps, and amendments thereto, promulgated by the *Zoning Commission* pursuant to the Zoning Act.

II. Delegations to Chairman. The *Commission* delegates to the Chairman of the *Commission* the functions of:

1. Requesting the *Council* to grant, pursuant to section 2.(a)(4)(E) of the *Planning Act*, an extension of any time limitation contained in Section 2. of the *Planning Act;*

2. Employing an *Executive Director* and a *Secretary* to the *Commission* pursuant to section 2.(c) of the *Planning Act;*

3. Requesting the *Zoning Commission* to recess a public hearing on a proposed amendment to the *Zoning Regulations* to provide an opportunity for the *Commission* to present a further report to the *Zoning Commission*, pursuant to section 8.(b) of the *Planning Act;*

4. Executing agreements with state officials as to the arrangements for acquisition by the *Commission* of lands in Maryland and Virginia for the National Capital park, parkway, and playground system pursuant to section 11. of the *Planning Act;*

5. Execting agreements with state officials as to the control of lands acquired in Maryland and Virginia, pursuant to section 12. of the *Planning Act;*

6. Reporting annually to Congress the lands acquired during the preceding fiscal year, pursuant to section 13. of the *Planning Act;*

7. Submitting to the Office of Management and Budget on or before September 15 of each year an estimate of the appropriations for land acquisition for the succeeding fiscal year, pursuant to section, 13. of the *Planning Act;*

8. Making favorable recommendations of the *Council* on proposed closings of streets, roads, highways, and alleys, or parts thereof, pursuant to section 1 of the Street Readjustment Act of the District of Columbia (December 15, 1932, 47 Stat. 747, as amended; D.C. Code, sec. 7-401), where such proposed closings conform to master plans or site and building plans approved by the *Commission* pursuant to section 5.(a) of the *Planning Act* or to urban renewal plans, and modifications thereof, adopted by the *Commission* and approved by the *Council* pursuant to sections 6 and 12 of the *Redevelopment* Act;

9. Approving transfers of jurisdiction over properties within the District of Columbia owned by the United States or the District among or between Federal and District authorities, pursuant to section 1 of the Act of May 20, 1932, 47 Stat. 161, as amended (40 U.S.C. 122; D.C. Code, sec. 8-115), where such transfers of jurisdiction conform to master plans or site and building plans approved by the *Commission* pursuant to section 5.(a) of the *Planning Act* or to urban renewal plans, and modifications thereof, adopted by the *Commission* and approved by the *Council* pursuant to sections 6 and 12 of the Redevelopment Act; and

10. Approving leasing, for terms not exceding five years, by the Administrator of General Services of land acquired for park, parkway, or playground purposes pending their need for public uses, pursuant to section 2 of the Act of December 22, 1928, 45 Stat. 1070 (40 U.S.C. 72b; D.C. Code, sec. 8-105).

III. Delegations to Executive Director. The *Commission* delegates to the *Executive Director* the functions of:

1. Establishing, jointly with the *Mayor*, procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital pursuant to section 2.(a)(4)(F) of the *Planning Act;*

2. Employing technical and administrative personnel, except a Secretary to the *Commission*, and, by contract or otherwise, the temporary or intermit-

tent services of experts and fixing the rate of compensation therefor pursuant to section 2.(c) of the *Planning Act;*

3. Establishing the representation of agencies of the Federal and District of Columbia Governments on, and invite representatives of the planning and developmental agencies of the environs to participate in the work of, the Coordinating Committee established by resolution of the *Commission* adopted August 8, 1952, pursuant to section 2.(d) of the *Planning Act;*

4. Determining appropriate Federal and District of Columbia authorities to whom Federal elements of the *Comprehensive Plan,* or amendments thereto, shall be presented for comment and recommendations prior to adoption thereof, pursuant to section 4.(e) of the *Planning Act;*

5. With respect to plans and programs submitted to the *Commission* pursuant to section 5.(a) of the *Planning Act* for projects in the *environs* on reservations or sites for which the *Commission* has submitted to the agency its report and recommendations on the master plan therefor, making environmental impact findings on and approving

(1) Preliminary and final site and building plans for proposed temporary or permanent additions of less than 10,000 square feet of floor area to existing structures and for proposed new temporary or permanent structures of less than 10,000 square feet of floor area, if the *Executive Director* determines that (a) the proposed development (i) is consistent with the recommendations of the *Commission* on the land use and circulation plan elements of the master plan, (ii) will have no significant adverse impact on the environment, access and egress facilities, and utilities, and (iii) is compatible with existing and proposed developments in its immediate vicinity, and (b) the addition or relocation of employees to the proposed development would not cause a significant impact on low- and/or moderate-income housing needs in the vicinity of the development; and

(2) Final site and building plans where such plans conform to applicable recommendations made by the *Commission* in its review of the preliminary site and building plans for the project and of any environmental statement or description of the environmental impact submitted pursuant to the *Commission's* Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

6. Advising and consulting with appropriate planning agencies having jurisdiction over the affected part of the environs with respect to general plans for proposed Federal and District developments and projects within the *environs* and with respect to plans for proposed developments or projects submitted pursuant to section 5.(a) of the *Planning Act* involving a major change in the character or intensity of an existing use in the *environs,* pursuant to section 5.(d) of the *Planning Act;*

7. Requesting Federal and District government agencies to furnish plans, data, and records necessary to the *Commission* and furnish related plans, data, and records to Federal and District of Columbia governmental agencies upon request, pursuant to section 5.(e) of the *Planning Act;*

8. Conferring with Federal and District authorities and the Agency in the preparation of the general plan under section 6.(a) of the Redevelopment Act and with respect to urban renewal planning under section 6.(b) of the Redevelopment Act, pursuant to section 6.(c) of the Redevelopment Act; and

9. Aiding the Mayor in making a survey of the "Old Georgetown" area pursuant to section 4 of the Act of September 22, 1950, 64 Stat. 904 (D.C. Code, sec. 5–804).

IV. Delegations to Secretary. The Commission delegates to the Secretary to the Commission the functions of:

1. Publishing, jointly with the Mayor, from time to time as appropriate, the Comprehensive Plan pursuant to section 2.(a)(4)(D) of the Planning Act; and

2. Certifying to the Agency urban renewal plans adopted by the Commission and approved by the Council under section 6.(b)(2) of the Redevelopment Act, pursuant to section 6.(d) of the Redevelopment Act.

V. Reports to Commission. The Chairman of the Commission, the Executive Director, or the Secretary to the Commission shall report the exercise of any delegation of authority pursuant to Parts II, III, or IV, respectively, to the Commission at its meeting next following the exercise of such delegation.

VI. Reservations of Functions. The Commission, by majority vote at any meeting of the Commission and prior to the exercise of any delegation of authority pursuant to Parts II, III, or IV, may reserve to the Commission the performance, in general or with respect to a particular matter, of the function as to which such delegation is granted.

I, Daniel H. Shear, Secretary to the Commission, hereby certify that the foregoing is a true copy of the Proposed Delegations of Authority authorized by the Commission for publication in the FEDERAL REGISTER.

DANIEL H. SHEAR,
Secretary to the Commission.

NOVEMBER 12, 1975.

[FR Doc.75-30982 Filed 11-14-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE & ENVIRONMENTAL ARTS PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Architecture & Environmental Arts Panel to the National Council on the Arts will be held on December 3–4, 1975 from 9:30 a.m.–5:30 p.m. in the 11th floor conference room of the Columbia Plaza Office Building, 2401 E. Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administration Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-30823 Filed 11-14-75;8:45 am]

ARCHITECTURE & ENVIRONMENTAL ARTS PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Architecture & Environmental Arts Panel to the National Council on the Arts will be held on December 4–5, 1975 from 9:30 a.m.–5:30 p.m. in the 11th floor conference room of the Columbia Plaza Office Building, 2401 E. Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-30824 Filed 11-14-75;8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on December 3, 1975 from 9:30 a.m.-5:30 p.m. in the 11th floor graphics conference room (1127) of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public from 9:30 a.m.-12:00 noon and from 2:30 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. The purpose of this meeting is to evaluate the general graphics of the Health, Education, and Welfare Department.

The remaining session of this meeting from 1:30 p.m.-2:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on Federal graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Office, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-30825 Filed 11-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SITING EVALUATION

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Siting Evaluation will hold a meeting on December 2 and 3, 1975 in Room 1062, 1717 H St., NW., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittee will meet at 9 a.m. on December 2, 1975 in closed session with representatives of the NRC Staff to discuss working papers and Staff recommendations for possible changes in nuclear power reactor siting regulations and policies.

In connection with this matter, the Subcommittee may hold Executive Sessions, not open to the public or NRC Staff, prior to the meeting on December 2 and on December 3, 1975, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct this meeting in closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberate process (5 U.S.C. 552(b)(5)). Separation of factual material from individual's advice and opinions while this meeting is in progress is considered impractical.

Dated: November 13, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-31119 Filed 11-14-75;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-19 and DPR-25 issued to Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities) located in Grundy County, Illinois.

These amendments would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendments, 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 December 17, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. 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 Mr. John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Commonwealth Edison Company dated September 4, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 4, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. These license amendments 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 7th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-31118 Filed 11-14-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2 (the facility) located in Zion, Illinois.

In accordance with the licensee's application for license amendments dated October 24, 1975, the amendments would modify the Technical Specifications to permit an increase in the storage capacity of the spent fuel storage pool from 340 to 868 fuel assemblies.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Act and the Commission's regulations.

By December 17, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. 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 Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaze, Chicago, Illinois 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendments dated October 24, 1975, which is available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085. As they become available, the Commission's related Safety Evaluation and license amendments and any attachments may be inspected at the above locations. A copy of the license amendments and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 10th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-30829 Filed 11-14-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-44 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company for operation of the Peach Bottom Atomic Power Station, Unit 2, located in Peach Bottom, York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment modifies the license to authorize modifications that will improve the functioning of the Low Pressure Coolant Injection System (LPCIS) of the Emergency Core Cooling System (ECCS). This amendment is in partial response to the licensees' application dated July 9, 1975, and Supplement dated September 10, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34647). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975 and Supplement dated September 10, 1975, (2) Amendment No. 14 to License No. DPR-44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) 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 5th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-30830 Filed 11-14-75;8:45 am]

TENNESSEE VALLEY AUTHORITY

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

TENNESSEE VALLEY AUTHORITY

(Browns Ferry Nuclear Plant, Units 1 and 2) Docket Nos. 50-259-OL and 50-260-OL Facility Operating License Nos. DPR-33 and DPR-52.

This action is in reference to the "Notice of Proposed Issuance of Amendments to Facility Operating Licenses", published by the Commission in the above matter (40 FR 46365—October 7, 1975).

The members of the Board are:

Thomas W. Reilly, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Frederick P. Cowan (Member), Conquistador Apt. 2-104, 1800 S.E. St. Lucie Blvd., Stuart, Florida 33494.

Dr. Hugh C. Paxton (Member), Los Alamos Scientific Laboratory, P.O. Box 1663, Los Alamos, New Mexico 87544.

It is so ordered.

Dated at Bethesda, Maryland this 11th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc. 75-30832 Filed 11-14-75; 8:45 am]

[Docket No. P-599-A]

TENNESSEE VALLEY AUTHORITY

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated September 2, 1975, in connection with their plans to construct and operate 2 pressurized water nuclear reactors on a site located near the boundary between the East Embayment Block of the Mississippi Embayment Province and the Nashville Dome Province. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFP Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during June, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555. Docket No. P-599-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 19, 1976.

Dated at Bethesda, Maryland, this 11th day of November 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30831 Filed 11-14-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211-5]

CONSOLIDATED RAIL CORP.

Application for a Loan

Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to make loans to the Consolidated Rail Corporation for purposes of achieving the goals of the Act. Section 211(b) requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

Regulations implementing Section 211 were published by the Association in the FEDERAL REGISTER on July 24, 1974 and on May 28, 1975. (49 CFR Part 921) Notice is hereby given that, on November 13, 1975, the Consolidated Rail Corporation (ConRail) filed an application pursuant to those regulations for a loan of $10,000,000 to be used principally for working capital to meet initial administrative and operating expenses to be incurred prior to the conveyance of assets under Section 303 of the Act. ConRail requests that the loan be unsecured and mature in one year. The application states that the loan will be repaid from working capital or the proceeds of long-term financing. A $1,000,000 loan to ConRail for similar purposes was previously approved by the Association.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, on or before December 2, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C. this 13th day of November 1975.

JAMES A. HAGEN,
President,
United States Railway Association.

[FR Doc.75-31103 Filed 11-14-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 4(a) of Executive Order 11807 of 1974, Occupational Safety and Health Programs for Federal Employees, will meet on Wednesday, December 3, starting at 9:30 a.m., in Room N4437 CD, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. New appointments and reappointments.

II. Election of Vice Chairman.

III. Status Reports:

A. Federal Accident Reporting System.

B. Regional Safety and Health Conferences.

C. Federal Safety and Health Training Courses.

D. Reimbursement of OSHA Services.

E. Coverage of Non-appropriated Fund Activities.

IV. Up date on expansion of Subparts to 29 CFR Part 1960.

V. Review of changes to Circular A-11.

VI. Overview of OSHA Regional Federal Safety and Health Activities.

The Council welcomes written data, views, or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions, together with 20 copies thereof, received by the close of business December 1 will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations related to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard, together with 20 copies thereof, by the close of business December 1. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Mr. Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Room N3673, Department of Labor, OSHA, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523-7111.

Signed at Washington, D.C. this 11th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-30962 Filed 11-14-75;8:45 am]

Office of the Secretary

[TA-W-291]

CATANIA CLOTHING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Catania Clothing Corp., New York, New York (TA-W-291). 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 sport coats produced by Catania Clothing Corp. 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 November 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau ol International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30966 Filed 11-14-75;8:45 am]

[TA-W-288]

CRESCENT DE STASIO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Crescent De Stasio, Inc., New York, New York (TA-W-288). 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 overcoats produced by Crescent De Stasio, Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30967 Filed 11-14-75;8:45 am]

[TA-W-276]

DELL CLOTHING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Dell Clothing Company, Inc., New York, New York (TA-W-276). 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 sports jackets produced by Dell Clothing Company, Inc., 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 November 28, 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, 3d St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30968 Filed 11-14-75;8:45 am]

[TA-W-289]

DINO CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Dino Clothing Company, New York, New York (TA-W-289). 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 sack coats and men's sport jackets produced by Dino Clothing Company 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 November 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjust-

ment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30969 Filed 11-14-75;8:45 am]

[TA-W-279]

EAGLE CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Eagle Clothes, Inc., Brooklyn, New York (TA-W-279). 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 and men's sport coats produced by Eagle Clothes, Inc. 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 I, 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30970 Filed 11-14-75;8:45 am]

[TA-W-290]

EAGLE PANTS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Eagle Pants Company, Brooklyn, New York (TA-W-290). 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 pants produced by Eagle Pants Company 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30971 Filed 11-14-75;8:45 am]

[TA-W-294]

E. BONELLI & COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 E. Bonelli & Company, Inc., New York, New York (TA-W-294). 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 sport coats produced by E. Bonelli & Company, Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30965 Filed 11-14-75;8:45 am]

[TA-W-280]

FERRANTE & CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Ferrante & Co., Inc., New York, New York (TA-W-280). 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 competitve with men's tuxedos

produced by Ferrante & Co., Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30963 Filed 11-14-75;8:45 am]

[TA-W-281]

F. MAZZEO & CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 F. Mazzeo & Co., Inc., New York, New York (TA-W-281). 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 sports jacket & sack coats produced by F. Mazzeo & Co., Inc. or an appropriate subdivision thereof have contributed impropriate, to the determination of the 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30964 Filed 11-14-75;8:45 am]

[TA-W-133]

GLOBE-UNION INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-133: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 4, 1975 in response to a worker petition received on September 4, 1975 which was filed by the Industrial Union Department AFL-CIO on behalf of workers formerly producing electronic components at the El Monte, California plant of Globe-Union, Inc., Centralab Division, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42618) on September 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Globe-Union, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Electronic Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm of subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers fell 24 percent from 1973 to 1974 and 83 percent in the first half of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales of solar cells declined 44 percent from 1973 to 1974, and 70 percent in the first four months of 1975 compared to the same period in 1974. Sales of photosensors declined 19 percent from 1973 to 1974, and 71 percent in the first four months of 1975 compared to the same period in 1974. Sales of solar cells and photosensors ceased in April 1975, when production began by another domestic company which had purchased these product lines from Globe-Union. Sales of diodes declined 8 percent from 1973 to 1974, and 87 percent in the first six months of 1975 compared to the same period in 1974. All sales and production of diodes ceased in June 1975, when production was transferred to another domestic manufacturer.

Increased imports contributed importantly. Imports of diodes like or directly competitive with those produced at the El Monte plant decreased from 730 million units valued at 23 million dollars in the first six months of 1974 to 330 million units valued at 11 million dollars in the first six months of 1975. The ratios of imports to domestic consumption and production of diodes decreased from 11.4 percent and 11.2 percent respectively in the first six months of 1974 to 6.9 percent and 6.7 percent respectively in the first six months of 1975.

Imports of photosensors comprise an unknown percentage of the imports of light sensitive semiconductor devices. The ratios of imports to domestic consumption and production of light sensitive semiconductor devices decreased from 25.2 percent and 31.3 percent respectively in the first six months of 1974 to 22.6 percent and 27.1 percent respectively in the first six months of 1975.

There are no imports of solar cells like or directly competitive with those produced at the El Monte plant of Globe-Union, Inc.

Globe-Union, officials sold the product lines of El Monte plant in order to expand production of the main line of Centralab Division products. The sales decline for diodes was caused by the general economic recession, particularly the

decline in automobile sales. Eighty-eight percent of the El Monte plant's sale of diodes is made to automobile manufacturers. The decline in sales of solar cells is mainly attributable to the decline in Government spending on the space program. Additionally, customers have reduced purchases because of the economic recession.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic components produced at the El Monte, California plant of Globe-Union, Inc., Centralab Division did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 5th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30979 Filed 11-14-75;8:45 am]

[TA-W-292]

WM. P. GOLDMAN & BRO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Wm. P. Goldman & Bro., Inc., New York, New York (TA-W-292). 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, men's sport coats, men's top coats, and men's slacks produced by Wm. P. Goldman & Bro., Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30972 Filed 11-14-75;8:45 am]

[TA-W-287]

HY-GRADE SPORTSWEAR CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Hy-Grade Coat Co., Inc., New York, New York, a division of Hy-Grade Sportswear Company, Inc., New York, New York (TA-W-287). 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 sport coats, men's suits, men's suburban coats and trousers produced by Hy-Grade Coat Co., Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30973 Filed 11-14-75;8:45 am]

[TA-W-286]

IMPERIAL PANTS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Imperial Pants Company, Brooklyn, New York (TA-W-286). 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 pants produced by Imperial Pants Company 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30974 Filed 11-14-75;8:45 am]

[TA-W-139]

LATROBE STEEL COMPANY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-139; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 12, 1975 in response to a worker petition received on September 11, 1975 which was filed by the United Steelworkers of America on behalf of workers formerly producing specialty steel for forgings, castings, billets, vacuum melted special alloys, high carbon and high chrome die steels at the Latrobe Steel Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43287) on September 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Latrobe Steel Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average employment of hourly workers at Latrobe Steel declined 8 percent from 1973 to 1974 and fell 39 percent in the first eight months of 1975 compared to the same period in 1974. Average employment of salaried workers increased 5 percent from 1973 to 1974 and then declined 9 percent in the first eight months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Latrobe Steel's sales of tool steel and special alloys increased 19 percent in current dollars from 1973 to 1974 and then fell 13 percent in the first eight months of 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with tool steel and special alloys produced by Latrobe Steel increased from 12.7 thousand tons in 1971 to 24.5 thousand tons in 1974 and increased from 6.2 thousand tons in the first half of 1974 to 14.1 thousand tons in the first half of 1975. The ratios of imports to domestic production and consumption increased from 16.3 percent and 14.6 percent, respectively, in 1971 to 21.6 percent and 18.9 percent, respectively, in 1974. In the first half of 1975, those ratios increased dramatically to 36.8 percent and to 29.2 percent, respectively.

The evidence developed in the Department's investigation indicates that the declining level of sales experienced by Latrobe Steel in the first eight months of 1975 is attributable to (1) decreased demand for tool steel as a result of the general downturn in the U.S. economy and (2) increased penetration of the domestic market by imports. The effect of the recession on domestic tool steel demand is evidenced by a 22 percent decline in U.S. consumption of tool steel in the first half of 1975 compared to the first half of 1974. The rapid influx of imports that occurred in the first half of 1975 was particularly onerous to domestic tool steel producers in light of the shrunken U.S. market. When compared to the first half of 1974, imports of tool steel in the first half of 1975 more than doubled in tonnage and more than tripled their share of the domestic market, increasing from 9.5 percent to 29.2 percent.

Foreign tool steel producers were highly successful in penetrating the declining domestic market in the first half of 1975 by pricing their products substantially below those of U.S. producers. Faced with this price competition, and the rapidly increasing penetration of the market by imports, Latrobe Steel reduced prices in an effort to compete with imports. Latrobe succeeded in retaining most of its customers by lowering prices to competitive levels, but there is evidence that many of the company's customers shifted in part to imports in order to gain a marginal price advantage. Increased import competition in a declining market constituted an important factor contributing to the total or partial separation of workers of Latrobe Steel Company on or after December 23, 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel and special alloys produced at the Latrobe Steel Company contributed importantly the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers of the Latrobe Steel Company who became or will become totally or partially separated from employment on or after December 23, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30980 Filed 11-14-75;8:45 am]

[TA-W-18]

PALIZZIO, INC.

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 and in accordance with section 223(a) of such Act, on May 30, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of Palizzio, Incorporated, Long Island City, New York (TA-W-18). The notice of certification was published in the FEDERAL REGISTER (40 FR 24969) on June 11, 1975.

On the basis of a further showing and further investigation by the Acting Director of the Office of Trade Adjustment Assistance, the certification issued by the Department on May 30, 1975 is hereby revised to change the termination date to include within the coverage of the certification additional workers who became totally or partially separated.

Such revised certification is hereby made as follows:

All hourly and salaried employees of the shoe manufacturing division of Palizzio, Incorporated, Long Island City, New York who became totally or partially separated from employment on or after October 3, 1974 and before June 28, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30981 Filed 11-14-75;8:45 am]

[TA-W-283]

PRIMO COAT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Primo Coat Corp., New York, New York (TA-W-283). 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 sport coats produced by Primo Coat Corp. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30975 Filed 11-14-75;8:45 am]

[TA-W-138]

SYLVANIA, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-138: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 10, 1975 in response to a worker petition received on September 10, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers formerly producing incandescent lamps at the Salem, Massachusetts Lamp Plant of GTE Sylvania, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43286) on September 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. In the first eight months of 1975 average employment of production workers and average weekly hours worked declined 17 percent and one percent respectively compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales and production at the Salem plant decreased six percent and one percent respectively in the first three quarters of 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with incandescent lamps produced at the Salem plant decreased 32 percent from 186.8 million units in 1973 to 126.3 million units in 1974. In the first quarter of 1975 such imports declined 49 percent compared to the first quarter of 1974.

From 1973 to 1974 the import/consumption ratio declined from 9.9 percent to 7.7 percent, and the import/production ratio decreased from 10.8 percent to 8.2 percent. Both ratios declined in the first quarter of 1975 compared to the same period of 1974.

The evidence developed in the Department's investigation indicates that the separation of employees working at the Salem plant was not causesd by an increase in competitive imports. Beginning in late 1973 the lamp market turned sharply downward as a result of the energy crisis and the general economic recession. The market for incandescent lamps was especially hurt in 1974 by reduced residential and industrial construction and by the shift in many business establishments to the more cost efficient fluorescent lamps. Thus, reductions in sales, production, and employment at the Salem plant during 1974 and early 1975 were attributable primarily to the adverse impact of the energy crisis and the general economic recession on the market for incandescent lamps.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the incandescent lamps produced at the Salem, Massachusetts Lamp Plant of GTE Sylvania, Incorporated, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 8th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30978 Filed 11-14-75;8:45 am]

[TA-W-147]

ST. MARYS CARBON CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-147: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975, which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing carbon brushes at the St. Marys, Pennsylvania plant of the St. Marys Carbon Company, St. Marys, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44210) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the St. Marys Carbon Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers decreased 23 percent in the first nine months of 1975 compared to the like period in 1974. Increased orders for carbon brushes in September 1975 triggered the recall in September and October of virtually all of the carbon brush workers laid off at the St. Marys plant. The company expects to recall the remaining few workers by the end of October, 1975.

Sales or production, or both, have decreased absolutely. Sales of automotive carbon brushes at the St. Marys plant declined seven percent in the first nine months of 1975 compared to the like period in 1974. Sales of automotive carbon brushes were equal to production since the brushes were produced only on order.

Increased imports contributed importantly. Imports of brushes by quantity are not available. Imports by value have constituted less than 5 percent of domestic production and consumption from 1972 to 1974. Imports of carbon and graphite brushes in value terms amounted to less than 6 percent of domestic production and consumption in the first six months of 1975. Other brush imports are small copper and metal brushes, which cannot be substituted for carbon brushes in motor and generator uses.

The evidence developed in the Department's investigation indicates that the carbon brushes produced at the St. Mary's plant are primarily for the automotive parts replacement market. This market is affected by the number of generators and starters rebuilt and used car sales. Decreased sales and production of St. Mary's carbon brushes are attributable to the loss of customer accounts because of St. Mary's higher labor costs and to reduced demand for customized brushes.

Many of St. Mary's orders for carbon brushes are small and highly customized especially for the older car models. The requirement for quick delivery, minimization of inventory, and transportation costs inhibit the development of any dependency on foreign sources of supply.

Major customers indicated that they do not import carbon brushes and their reduced purchases of carbon brushes from St. Marys were due to reduced demand.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon brushes produced at the St. Marys plant did not contribute importantly to the total of partial separations of the workers at such plant.

Signed at Washington, D.C. this 7th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-30977 Filed 11-14-75;8:45 am]

[TA-W-285]

TISCHLER & BENKEL CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 4, 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 Tischler & Benkel Co., Inc., New York, New York (TA-W-285). 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 suit jackets produced by Tischler & Benkel Co., Inc. 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 November 28, 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 4th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30976 Filed 11-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[S.O. 1221; Exception 3]

BANGOR AND AROOSTOCK RAILROAD CO.

Car Service Exemption

It appearing, that the Bangor and Aroostook Railroad Company owns numerous mechanical refrigerator cars; that the Bangor and Aroostook Railroad Company has no present need for such cars; and that there is need for such cars by shippers located on the lines of other roads.

It is ordered, That pursuant to the authority vested in the Railroad Service Board by section (a), paragraph (1), Part (vii) of Service Order No. 1221, empty cars of mechanical designation "RPL" bearing reporting marks owned by the Bangor and Aroostook Railroad Company (BAR), are exempt from the provisions of section (a), paragraphs (3)(i) and (4)(i) of Service Order No. 1221.

Effective: November 24, 1975.

Issued at Washington, D.C., November 4, 1975.

[SEAL] RAILROAD SERVICE BOARD,
R. D. PFAHLER,
Chairman.

[FR Doc.75-30991 Filed 11-14-75;8:45 am]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

Abandonment Between Certain Lines

[AB 11; (Sub-Nos. 1, 2)]

AB 11, Chicago and Eastern Illinois Railroad Co. abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski, and Alexander Counties, Illinois; AB 11 (Sub-No. 1), Chicago and Eastern Illinois Railroad Company abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Illinois; AB 11 (Sub-No. 2), Chicago and Eastern Illinois Railroad Company abandonment of operations between Rockview and Chaffee, Scott County, Missouri.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Johnson, Pulaski, and Alexander Counties, Ill. and Scott County, Mo., on or before November 25, 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 attaced 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 31st day of October 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 11 (Sub-No. 1, 2)]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

ABANDONMENT BETWEEN CERTAIN LINES

AB 11, Chicago and Eastern Illinois Railroad Company abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski, and Alexander Counties, Illinois; AB 11 (Sub-No. 1), Chicago and Eastern Illinois Railroad Company abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Illinois; AB 11 (Sub-No. 2), Chicago and Eastern Illinois Railroad Company abandonment of operations between Rockview and Chaffee, Scott County, Missouri.

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1975, it has been determined that (1) the proposed abandonment of the line between Joppa Junction and Fayville Junction, a distance of approximately 25.7 miles, all in Johnson, Pulaski, and Alexander Counties, Ill., (2) the proposed abandonment of operations only between Thebes Junction and Fayville Junction, a distance of 4.88 miles, all in Alexander County, Ill., and (3) the proposed abandonment of operations only between Rockview and Chaffee, a distance of 2.42 miles, all in Scott County, Mo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because adequate alternative rail lines as well as other transportation modes are available to handle any resultant traffic diversions and no more than 700 carloads of local and interchange traffic would be affected. Although the rerouting may be more circuitous and less energy efficient the subject actions should create only minimal alterations in fuel consumption, air quality, ambient noise levels, and safety conditions. In addition, no definitive land use plans exist in the region which necessitate continued operations of the subject lines.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-30992 Filed 11-14-75;8:45 am]

[S.O. 1221, Exception 1]

EMPTY CARS OF PRIVATE OWNERSHIP

Car Service Exemption

It appearing, That empty cars of private ownership, are subject to control of the car owners; that there are no "home" lines to which such cars can be returned; that the owners of such cars control their distribution; that railroads are prohibited from furnishing such cars for loading unless authorized by the car owner; and that compliance with section (a), paragraphs (3)(i) and (4)(i) with respect to empty cars of private ownership.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Service Order No. 1221, section (a), paragraph (i), Part (vii), empty cars of private ownership are exempt from the provisions of section (a), paragraphs (3)(i) and (4)(i) of service Order No. 1221.

Effective: November 1, 1975.

Issued at Washington, D.C., October 31, 1975.

[SEAL] RAILROAD SERVICE BOARD,
R. D. PFAHLER,
Chairman.

[FR Doc.75-30989 Filed 11-14-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 2, 1975.

FSA No. 43076—*Fertilizer and Fertilizer Materials from Salida, Colorado.* Filed by Western Trunk Line Committee, Agent (No. A-2719), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, from Salida, Colorado, to points in western trunk-line territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 5 to Western Trunk Line Committee, Agent, tariff W-434-K, I.C.C. No. A-4994. Rates are published to become effective on December 10, 1975.

FSA No. 43077—*Beet or Cane Sugar to North Chicago, Illinois.* Filed by Western Trunk Line Committee, Agent, (No. A-2720), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, and returned shipments in the reverse direction, from points in Montana, transcontinental and western trunk-line territories, to North Chicago, Illinois.

Grounds for relief—Market competition, rate relationship, returned shipments.

Tariffs—Supplement 176 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 4 other schedules named in the application. Rates are published to become effective on December 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30994 Filed 11-14-75;8:45 am]

[Notice 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of

the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7555 (Sub-No. 67TA), filed November 3, 1975. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, N.C. 28338. Applicant's representative: Terrence D. Jones, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus juice*, when transported at the same time in the same vehicle with fresh citrus fruits, in containers, and fresh fruit sections and salads (not frozen), in containers, from the plantsite and facilities of Citrus World, Inc., at or near Lake Wales, Fla., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Seald-Sweet Sales, Inc., P.O. Box 2349, Tampa, Fla. 33601. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 20992 (Sub-No. 35TA), filed November 3, 1975. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Minnesota, North Dakota, South Dakota, Illinois, Indiana, and Wisconsin. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 61396 (Sub-No. 295TA), filed October 20, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebra. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in tank vehicles, from the NCG Division of Chemetron, Mount Vernon, Ind., to points in Illinois, Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority: Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 296TA), filed October 20, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in tank vehicles, from the plantsite of Northern Petrochemical Company, at Morris, Ill., and the plantsite of U.S. Steel Corporation, at Chicago, Ill., to points in Kentucky, Tennessee, Iowa, Kansas, and Indiana, for 180 days. Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chesen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 87231 (Sub-No. 23TA), filed October 31, 1975. Applicant: BAY & BAY TRANSFER CO., INC., 805 North Fourth St., Minneapolis, Minn. 55401. Applicant's representative: Andrew C. Selden, 300 Roanoke Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bag or bulk, from the Clayton Silica Plant, at or near Clayton, Iowa, to points in the Minneapolis-St. Paul, Minnesota Commercial Zone as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Hitchcock Industries, Inc., 8701 Harriett Ave., South, Minneapolis, Minn. 55420. Union Brass & Metal Manufacturing Company, 501 W. Lawson, St. Paul, Minn. 55117. Send protests to: A. N. Spath, District Supetvisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 246TA), filed November 3, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Vermonth, West Virginia, Wisconsin, Colorado, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Foods Corporation, P.O. Box 100, Clark, S. Dak. 57225. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117068 (Sub-No. 53TA), filed November 3, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Bldg., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Minnesota, Illinois, Indiana, Michigan, Ohio and Wisconsin. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Devision of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119634 (Sub-No. 14TA), filed November 3, 1975. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irvin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from the Kaiser Cement & Gypsum Corp., plant at Montana City, Mont., and the Ideal Basic Industries plant at Trident, Mont., to the ports of entry on the International Boundary line, between the United States and Canada, located in Montana, on traffic destined for all points in Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. T. Pfluge, Sales Manager, Ideal Basic Industries, Cement Division, 503 Midland Bank Bldg., P.O. Box 2095, Billings, Mont. 59103. M. B. Milam, District Manager, Marketing Services, Kaiser Cement & Gypsum Corporation, 515 N. Sanders, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 119765 (Sub-No. 34TA), filed November 3, 1975. Applicant: HENRY G. NELSEN, INC., 5402 South 27th St., Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, and Kansas, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 123004 (Sub-No. 7TA), filed October 31, 1975. Applicant: THE LUPER TRANSPORTATION CO., 350 East 21st, Wichita, Kans. 67214. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids, chemicals in bulk, and liquid commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities utilized by John Morrell & Co., at or near Lubbock, Tex., to points in Illinois, for 180 days. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 124328 (Sub-No. 87TA), filed November 3, 1975. Applicant: BRINK'S, INC., 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gold, silver, indium, and other precious metals*, from Amarillo, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract with American Smelting & Refining Company, for 180 days. Supporting shipper: American Smelting & Refining Company, Charles W. Kane, Traffic Manager, 120 Broadway, New York, N.Y. 10005. Send protests to: Patricia A. Roscoe, Transportation Assistant, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124813 (Sub-No. 134TA), filed November 3, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Minnesota, Montana, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corportation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 125650 (Sub-No. 12TA), filed November 3, 1975. Applicant: MOUNTAIN PACIFIC TRUCKING, INC., Route 2, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from McMinnville and Portland, Oreg., to points in Idaho, Montana, Benton, Chelan, Franklin, Spokane, Walla Walla, and Yakima Counties, Wash.; Wyoming; and Wasatch, Morgan, Davis, Salt Lake, Weber, Cache, Box Elder, Rich, and Tooele Counties, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Roger W. Moser, V. P., Mrs. Smith's West Coast Pie Company, 2803 Orchard Ave., McMinnville, Oreg. 97128. Douglas Lundmark, Office Manager, Diane's Foods, Inc., 3101 Orchard Ave., McMinnville, Oreg. Dan E. Miller, President, Attila Foods, 1810 N. W. 18th Ave., Portland, Oreg. 97209. Paul J. Bjore, Administrative Manager, Haley's Foods, P.O. Box 200, Hillsboro, Oreg. 97123. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 133233 (Cub-No. 43TA), filed November 3, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 802 32nd Ave., Council Bluffs, Iowa 51501. 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: *Appliances*, from the plantsite and warehouse facilities of The Maytag Company, at or near Newton, Iowa, to points in Washington, Oregon, Idaho, Nevada, and Utah. Restrictions: The operations authorized are limited to a transportation service to be performed under a continuing contract with The Maytag Company, for 180 days. Supporting shipper: Lee O. Hays, Traffic Manager, The Maytag Company, 403 West 4th St., Newton, Iowa. Send Protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 133233 (Sub-No. 44TA), filed November 3, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 802 32nd Ave., Council Bluffs, Iowa 51501. 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: *Appliances*, from the plantsite and warehouse facilities of The Maytag Company, at or near Newton, Iowa, to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. Restrictions: The operations authorized are limited to a transportation service to be performed under a continuing contract or contracts with the Maytag Company, for 180 days. Supporting shipper: Lee O. Hays, Traffic Manager, The Maytag Company, 403 West 4th St., Newton, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 135797 (Sub-No. 43TA), filed October 30, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene egg cartons*, from the plantsite of Creative Packaging, at or near Bridgeview, Ill., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobil Oil Corporation, Central Traffic Region, 8350 N. Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136008 (Sub-No. 65TA), filed October 30, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Aggregate*, in bulk, in dump vehicles, from the plantsite facilities of Tex-Iron, Inc., at Cushing, Tex., to the plantsite and facilities of Martin-Marietta Cement Co., at Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin-Marietta Cement Company, Don Endicott, Traffic Manager, 5350 E. 46th St., Tulsa Okla. 74151. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, 73102.

No. MC 138328 (Sub-No. 24TA), filed October 30, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Ave., P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Idaho, Nevada, Oregon, Utah, Washington, Colorado, Montana, South Dakota, and Wyoming. Restriction: The authority is conditioned for three years upon submission to the Commission of a written statement with the annual report of the carrier detailing the number of shipments and total tonnage transported by the carrier to each destination state authorized to be served, with the right to serve any such destination state to abate upon petition of the shipper as to any state in which no service has been provided during the calendar year subjected to the reporting requirement restriction and further restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 140511 (Sub-No. 1TA), filed November 3, 1975. Applicant: AUTOLOG CORPORATION, 319 W. 101 St., New York, N.Y. 10025. Applicant's representative: Myron Levine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipper owned or operated used automobiles with accompanying baggage, contents thereof and/or other effects* transported for shipper's use and not for resale, all to be transported on a trailer capable of transporting approximately six to eight automobiles, restricted against automobiles having an immediate prior or subsequent movement by rail. Applicant proposes to transport such commodities for individual shippers without being required to consolidate such shipments in order to transport said commodities in bulk, between points in Massachusetts, Connecticut, New Jersey, and those points in New York east of Interstate Highway 81, on the one hand, and, on the other, points in Florida, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, 26 Federal Plaza Room 1807, New York, N.Y. 10007.

No. MC 140615 (Sub.-No. 7TA), filed November 3, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis G. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (other than expanded) solid, lump, granules, pellets, powder, flake, or liquid, from Leominster, Mass., and Peru, Ill., to Pembine, Wis., and Webster, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Plastics, Inc., North St., Pembine, Wis. 54156. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140943 (Sub-No. 1TA), filed October 31, 1975. Applicant: CHEYENNE ROAD TRANSPORT LTD., 2620 Barlow Trail NE., Calgary, Alberta, Canada T1Y 1A1. Applicant's representative: G. Boys (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients and fertilizer*, from points in Alberta, Canada, to points in Idaho, Montana, Washington, Oregon, North Dakota, South Dakota, Wisconsin, and Minnesota, for 180 days. Supporting shipper: D. W. Henderson Products Ltd., 119 Fairview Drive SE., Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141278 (Sub-No. 1TA), filed October 30, 1975. Applicant: CHARLES W. SIRCY CORP., 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses (except hides, skins, and pieces therefrom, and commodities in bulk), (1) from Nashville and Clarksville, Tenn., and Kinston, N.C., to points in Iowa, Illinois, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Missouri, Nebraska, North Carolina, New Jersey, New York, Ohio, Pennsylvania, and Virginia; and (2) from Kinston, N.C.; Muncie, Ind.; Louisville, Ky.; and Cincinnati, Ohio, to Clarksville, Tenn., under a continuing contract or contracts with Frosty Morn Meats, Inc., for 180 days. Supporting shipper: Frosty Morn Meats, Inc., Clarksville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141456 (Sub-No. 1TA), filed October 30, 1975. Applicant: MIDLAND TRUCK LINE, INC., 3317 Sheffield, Hammond, Ind. 46320. Applicant's representative: Albert A. Andrin, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw and scrap plastic*, between Bainbridge and Hazelhurst, Ga.; Milport, Ala.; and Bedford Park, Ill., under a continuing contract or contracts with Harper Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harper Plastics, Inc., 6600 N. Lincoln Ave., Chicago, Ill. 60645. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141461TA, filed October 31, 1975. Applicant: CITY DRESSED BEEF, INC., 1513 West Canal St., Milwaukee, Wis. 53233. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Biscuits and crackers, and specialty snack foods*, moving in mixed loads with biscuits and crackers, from Carlstadt, Elizabeth and Passaic, N.J., and New York, N.Y., to Milwaukee, Wis., under a continuing contract with Milwaukee Biscuit Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Milwaukee Biscuit Company, Inc., 2120 West Florist Ave., Milwaukee, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141463TA, filed November 3, 1975. Applicant: J. C. DUNCAN CO., INC., 1212 Harrison Ave., Arlington, Tex. 76011. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Garbage containers and bodies* with capacity of one cubic yard or greater, and garbage compaction equipment having capacity of one cubic yard or greater; (2) *Garbage compactors;* and (3) *Materials, equipment, and supplies* used in the manufacturer and distribution of garbage containers, bodies and garbage compactors, and the distribution of garbage, (1) from Arlington, Tex., to all points in the United States (except Alaska and Hawaii); (2) from Louisville, Ky., to Arlington, Tex., and (3) from all points in the United States (except Alaska and Hawaii), to Arlington, Tex., under a continuing contract with Grand Prairie Disposal Co., Inc.; Duncan Equipment Company, Inc., and Duncan Distributing, Inc., for 180 days. Supporting shippers: Grand Prairie Disposal Co., Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Duncan Equipment Company, Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Duncan Distributing, Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

Passenger Applications

No. MC 135288 (Sub-No. 5TA), filed November 3, 1975. Applicant: McGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Ave., P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank

Bldg., 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Asheboro, N.C., and Greensboro, N.C., serving all intermediate points and points in the commercial zones of Asheboro, N.C., and Greensboro, N.C., from Asheboro over U.S. Highway 220 to Greensboro and return over the same route. Applicant intends to interline at Asheboro and/or Greensboro to provide interstate service under part (1) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 141460 TA, filed October 29, 1975. Applicant: THE GRAY LINE TOURS, COMPANY, INC., 1207 West Third St., Los Angeles, Calif. 90017. Applicant's representative: Warren N. Grossman, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) special operations in round-trip sightseeing or pleasure passenger tours between points in Los Angeles and Orange Counties, Calif., and extending to port of entry along the United States-Mexico International Boundary Line at or near the southernmost terminus of Interstate Highway 5 in the state of California (San Ysidro, Calif.); (2) Round-trip charter passenger operations, between points in Los Angeles and Orange Counties, Calif., and extending to port of entry along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5 in the state of California (San Ysidro, Calif.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximiately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30996 Filed 11-14-75;8:45 am]

[Notice 118]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 17, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 8, 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-76024. By order entered November 11, 1975, the Motor Carrier Board approved the transfer to Data Moving & Storage Co., Inc., San Jose, Calif., of the authority set forth in License No. MC 19042 (Sub-No. 1), issued April 5, 1963, to Greyhound Van Lines, Inc., Bellevue, Wash., authorizing operations as a broker at Portland, Oreg., Seattle, Wash., and San Francisco, Oakland, and Los Angeles, Calif., in connection with the transportation by motor vehicle in interstate or foreign commerce of household goods as defined by the Commission between points in the United States (except points in Alaska and Hawaii). Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30995 Filed 11-14-75;8:45 am]

[AB 14 (Sub-No. 1]

NORTHWESTERN PACIFIC RAILROAD CO.

Abandonment Between Sebastiani and Sonoma in Sonoma County, Calif.

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 Sonoma County, Calif., on or before November 17, 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 6th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 14 (Sub-No. 1)]

NORTHWESTERN PACIFIC RAILROAD CO.

ABANDONMENT BETWEEN SEBASTIANI AND SONOMA IN SONOMA COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated November 6, 1975, it has been determined that the proposed abandonment of the Northwestern Pacific Railroad Company line extending 0.699 miles from milepost 44.248 near Sebastiani to milepost 44.947 near Sonoma in Sonoma 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 diversion of traffic from this low density line to the Vineburg team track should not cause any substantial alterations in air and water quality and to transportation safety in the area. Also there are neither protests to the proposal nor economic-development plans which would necessitate continued service of this line. Furthermore, there is public interest expressed for the City of Sonoma's development of a bike trail and a "depot park" on a portion of the subject line's right-of-way.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 26, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-30993 Filed 11-14-75;8:45 am]

[S.O. 1221, Exception 2]

SAN LUIS RAILROAD CO.

Car Service Exemption

It appearing, That The San Luis Railroad Company owns numerous refrigerator cars; that The San Luis Railroad Company has no present need for such cars; and that there is need for such cars by shippers located on the lines of other roads.

It is ordered, That pursuant to the authority vested in the Railroad Service Board by section (a), paragraph (1), part (vii) of Service Order No. 1221, empty cars of mechanical designation "RS" and "RB" bearing reporting marks owned by The San Luis Railroad Company (SLC), are exempt from the provisions of section (a), paragraphs (3) (i) and (4) (i) of Service Order No. 1221.

Effective: November 3, 1975.

Issued at Washington, D.C., November 3, 1975.

[SEAL] RAILROAD SERVICE BOARD,
R. D. PFAHLER,
Chairman.

[FR Doc.75-30990 Filed 11-14-75;8:45 am]

federal register

MONDAY, NOVEMBER 17, 1975

PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS; STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

State Plans for the Control of Certain Pollutants from Existing Facilities

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 437-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

State Plans for the Control of Certain Pollutants From Existing Facilities

On October 7, 1974 (39 FR 36102), EPA proposed to add a new Subpart B to Part 60 to establish procedures and requirements for submittal of State plans for control of certain pollutants from existing facilities under section 111(d) of the Clean Air Act, as amended (42 U.S.C. 1857c-6(d)). Interested persons participated in the rulemaking by sending comments to EPA. A total of 45 comment letters was received, 19 of which came from industry, 16 from State and local agencies, 5 from Federal agencies, and 5 from other interested parties. All comments have been carefully considered, and the proposed regulations have been reassessed. A number of changes suggested in comments have been made, as well as changes developed within the Agency.

One significant change, discussed more fully below, is that different procedures and criteria will apply to submittal and approval of State plans where the Administrator determines that a particular pollutant may cause or contribute to the endangerment of public welfare, but that adverse effects on public health have not been demonstrated. Such a determination might be made, for example, in the case of a pollutant that damages crops but has no known adverse effect on public health. This change is intended to allow States more flexibility in establishing plans for the control of such pollutants than is provided for plans involving pollutants that may affect public health.

Most other changes were of a relatively minor nature and, aside from the change just mentioned, the basic concept of the regulations is unchanged. A number of provisions have been reworded to resolve ambiguities or otherwise clarify their meaning, and some were combined or otherwise reorganized to clarify and simplify the overall organization of Subpart B.

Background

When Congress enacted the Clean Air Amendments of 1970, it addressed three general categories of pollutants emitted from stationary sources. See Senate Report No. 91-1196, 91st Cong., 2d Sess. 18-19 (1970). The first category consists of pollutants (often referred to as "criteria pollutants") for which air quality criteria and national ambient air quality standards are established under sections 108 and 109 of the Act. Under the 1970 amendments, criteria pollutants are controlled by State implementation plans (SIP's) approved or promulgated under section 110 and, in some cases, by standards of performance for new sources established under section 111. The second category consists of pollutants listed as hazardous pollutants under section 112 and controlled under that section.

The third category consists of pollutants that are (or may be) harmful to public health or welfare but are not or cannot be controlled under sections 108-110 or 112. Section 111(d) requires control of existing sources of such pollutants whenever standards of performance (for those pollutants) are established under section 111(b) for new sources of the same type.

In determining which statutory approach is appropriate for regulation of a particular pollutant, EPA considers the nature and severity of the pollutant's effects on public health or welfare, the number and nature of its sources, and similar factors prescribed by the Act. Where a choice of approaches is presented, the regulatory advantages and disadvantages of the various options are also considered. As indicated above, section 111(d) requires control of existing sources of a pollutant if a standard of performance is established for new sources under section 111(b) and the pollutant is not controlled under sections 108-110 or 112. In general, this means that control under section 111(d) is appropriate when the pollutant may cause or contribute to endangerment of public health or welfare but is not known to be "hazardous" within the meaning of section 112 and is not controlled under sections 108-110 because, for example, it is not emitted from "numerous or diverse" sources as required by section 108.

For ease of reference, pollutants to which section 111(d) applies as a result of the establishment of standards of performance for new sources are defined in § 60.21(a) of the new Subpart B as "designated pollutants." Existing facilities which emit designated pollutants and which would be subject to the standards of performance for those pollutants, if new, are defined in § 60.21(b) as "designated facilities."

As indicated previously, the proposed regulations have been revised to allow States more flexibility in establishing plans where the Administrator determines that a designated pollutant may cause or contribute to endangerment of public welfare, but that adverse effects on public health have not been demonstrated. For convenience of discussion, designated pollutants for which the Administrator makes such a determination are referred to in this preamble as "welfare-related pollutants" (i.e., those requiring control solely because of their effects on public welfare). All other designated pollutants are referred to as "health-related pollutants."

To date, standards of performance have been established under section 111 of the Act for two designated pollutants—fluorides emitted from five categories of sources in the phosphate fertilizer industry (40 FR 33152, August 6, 1975) and sulfuric acid mist emitted from sulfuric acid production units (36 FR 24877, December 23, 1971). In addition, standards of performance have been proposed for fluorides emitted from primary aluminum plants (39 FR 37730, October 23, 1974), and final action on these standards will occur shortly. EPA will publish draft guideline documents (see next section) for these pollutants in the near future. Although a final decision has not been made, it is expected that sulfuric acid mist will be determined to be a health-related pollutant and that fluorides will be determined to be welfare-related.

Summary of Regulations

Subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish guideline documents containing information pertinent to control of the same pollutant from designated (i.e., existing) facilities [§ 60.22(a)]. The guideline documents will include "emission guidelines" (discussed below) and compliance times based on factors specified in § 60.22(b)(5) and will be made available for public comment in draft form before being published in final form. For health-related pollutants, the Administrator will concurrently propose and subsequently promulgate the emission guidelines and compliance times referred to above [§ 60.22(c)]. For welfare-related pollutants, emission guidelines and compliance times will appear only in the applicable guideline documents [§ 60.22(d)(1)].

The Administrator's determination that a designated pollutant is heath-related, welfare-related, or both and the rationale for the determination will be provided in the draft guideline document for that pollutant. In making this determination, the Administrator will consider such factors as: (1) Known and suspected effects of the pollutant on public health and welfare; (2) potential ambient concentrations of the pollutant; (3) generation of any secondary pollutants for which the designated pollutant may be a precursor; (4) any synergistic effect with other pollutants; and (5) potential effects from accumulation in the environment (e.g., soil, water and food chains). After consideration of comments and other information a final determination and rationale will be published in the final guidelines document.

For both health-related and welfare-related pollutants, emission guidelines will reflect the degree of control attainable with the application of the best systems of emission reduction which (considering the cost of such reduction) have been adequately demonstrated for designated facilities [§ 60.21(e)]. As discussed more fully below, the degree of control reflected in EPA's emission guidelines will take into account the costs of retrofitting existing facilities and thus will probably be less stringent than corresponding standards of performance for new sources.

After publication of a final guideline document for a designated pollutant, the States will have nine months to develop

and submit plans containing emission standards for control of that pollutant from designated facilities [§ 60.23(a)]. For health-related pollutants, State emission standards must ordinarily be at least as stringent as the corresponding EPA guidelines to be approvable [§ 60.24(c)]. However, States may apply less stringent standards to particular sources (or classes of sources) when economic factors or physical limitations specific to particular sources (or classes of sources) make such application significantly more reasonable [§ 60.24(f)]. For welfare-related pollutants, States may balance the emission guidelines and other information provided in EPA's guideline documents against other factors of public concern in establishing their emission standards, provided that appropriate consideration is given to the information presented in the guideline documents and at public hearings and that other requirements of Subpart B are met [§ 60.24(d)].

Within four months after the date required for submission of a plan, the Administrator will approve or disapprove the plan or portions thereof [§ 60.27(b)]. If a State plan (or portion thereof) is disapproved, the Administrator will promulgate a plan (or portion thereof) within 6 months after the date required for plan submission [§ 60.27(d)]. The plan submittal, approval/disapproval, and promulgation procedures are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

For health-related pollutants, the emission guidelines and compliance times referred to above will appear in a new Subpart C of Part 60. As indicated previously, emission guidelines and compliance times for welfare-related pollutants will appear only in the guideline documents published under § 60.22(a). Approvals and disapprovals of State plans and any plans (or portions thereof) promulgated by the Administrator will appear in a new Part 62.

COMMENTS RECEIVED ON PROPOSED REGULATIONS AND CHANGES MADE IN FINAL REGULATIONS

Many of the comment letters received by EPA contained multiple comments. The most significant comments and differences between the proposed and final regulations are discussed below. Copies of the comment letters and a summary of the comments with EPA's responses (entitled "Public Comment Summary: Section 111(d) Regulations") are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. In addition, copies of the comment summary may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, SW., Washington, D.C. 20460 (specify "Public Comment Summary: Section 111(d) Regulations").

(1) *Definitions and basic concepts.* The term "emission limitation" as defined in proposed § 60.21(e) has apparently caused some confusion. As used in the proposal, the term was not intended to mean a legally enforceable national emission standard as some comments suggested. Indeed, the term was chosen in an attempt to avoid such confusion. EPA's rationale for using the emission limitation concept is presented below in the discussion of the basis for approval or disapproval of State plans. However, to emphasize that a legally enforceable standard is not intended, the term "emission limitation" has been replaced with the term "emission guideline" [see § 60.21(e)]. In addition, proposed § 60.27 (concerning publication of guideline documents and so forth) has been moved forward in the regulations (becoming § 60.22) to emphasize that publication of a final guideline document is the "trigger" for State action under subsequent sections of Subpart B [see § 60.23(a)].

Many commentators apparently confused the degree of control to be reflected in EPA's emission guidelines under section 111(d) with that to be required by corresponding standards of performance for new sources under section 111(b). Although the general principle (application of best adequately demonstrated control technology, considering costs) will be the same in both cases, the degrees of control represented by EPA's emission guidelines will ordinarily be less stringent than those required by standards of performance for new sources because the costs of controlling existing facilities will ordinarily be greater than those for control of new sources. In addition, the regulations have been amended to make clear that the Administrator will specify different emission guidelines for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, and similar factors make subcategorization appropriate [§ 60.22(b)(5)]. Thus, while there may be only one standard of performance for new sources of designated pollutants, there may be several emission guidelines specified for designated facilities based on plant configuration, size, and other factors peculiar to existing facilities.

Some comments evidenced confusion regarding the relationship of affected facilities and designated facilities. An affected facility, as defined in § 60.2(e), is a new or modified facility subject to a standard of performance for new stationary sources. An existing facility [§ 60.2(aa)] is a facility of the same type as an affected facility, but one the construction of which commenced before the date of proposal of applicable standards of performance. A designated facility [§ 60.21(d)] is an existing facility which emits a designated pollutant.

A few industry comments argued that the proposed regulations would permit EPA to circumvent the legal and technical safeguards required under sections 108, 109, and 110 of the Act, sections which the commentators characterized as the basic statutory process for control of existing facilities. Congress clearly intended control of existing facilities under sections other than 108, 109, and 110. Sections 112 and 303 as well as 111(d) itself provide for control of existing facilities. Moreover, action under section 111(d) is subject to a number of significant safeguards: (1) Before acting under section 111(d) the Administrator must have found under section 111(b) that a source category may significantly contribute to air pollution which causes or contributes to the endangerment of public health or welfare, and this finding must be technically supportable; (2) EPA's emission guidelines will be developed in consultation with industrial groups and the National Air Pollution Control Techniques Advisory Committee, and they will be subject to public comment before they are adopted; (3) emission standards and other plan provisions must be subjected to public hearings prior to adoption; (4) relief is available under § 60.24(f) or § 60.27(e)(2) where application of emission standards to particular sources would be unreasonable; and (5) judicial review of the Administrator's action in approving or promulgating plans (or portions thereof) is available under section 307 of the Act.

A number of commentators suggested that special provisions for plans submitted under section 111(d) are unnecessary since existing facilities are covered by State implementation plans (SIPs) approved or promulgated under section 110 of the Act. By its own terms, however, section 111(d) requires the Administrator to prescribe regulations for section 111(d) plans. In addition, the pollutants to which section 111(d) applies (i.e., designated pollutants) are not controlled as such under the SIPs. Under section 110, the SIPs only regulate criteria pollutants; i.e., those for which national ambient air quality standards have been established under section 109 of the Act. By definition, designated pollutants are non-criteria pollutants [§ 60.21(a)]. Although some designated pollutants may occur in particulate as well as gaseous forms and thus may be controlled to some degree under SIP provisions requiring control of particulate matter, specific rather than incidental control of such pollutants is required by section 111(d). For these reasons, separate regulations are necessary to establish the framework for specific control of designated pollutants under section 111(d).

Comments of a similar nature argued that if there are demonstrable health and welfare effects from designated pollutants, either air quality criteria should be established and SIPs submitted under sections 108–110 of the Act, or the provisions of section 112 of the Act should be applied. Section 111(d) of the Act was specifically designed to require control of pollutants which are not presently considered "hazardous" within the meaning of section 112 and for which ambient air quality standards have not been promulgated. Health and welfare effects from these designated pollutants often cannot be quantified or are of such a nature that the effects are cumulative and not associated with any particular

ambient level. Quite often, health and welfare problems caused by such pollutants are highly localized and thus an extensive procedure, such as the SIPs require, is not justified. As previously indicated, Congress specifically recognized the need for control of a third category of pollutants; it also recognized that as additional information becomes available, these pollutants might later be reclassified as hazardous or criteria pollutants.

Other commentators reasoned that since designated pollutants are defined as non-criteria and non-hazardous pollutants, only harmless substances would fall within this category. These commentators argued that the Administrator should establish that a pollutant has adverse effects on public health or welfare before it could be regulated under section 111(d). Before acting under section 111(d), however, the Administrator must establish a standard of performance under section 111(b). In so doing, the Administrator must find under section 111(b) that the source category covered by such standards may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare.

(2) *Basis for approval or disapproval of State plans.* A number of industry comments questioned EPA's authority to require, as a basis for approval of State plans, that the States establish emission standards that (except in cases of economic hardship) are equivalent to or more stringent than EPA's emission guidelines. In general, these comments argued that EPA has authority only to prescribe procedural requirements for adoption and submittal of State plans, leaving the States free to establish emission standards on any basis they deem necessary or appropriate. Most State comments expressed no objection to EPA's interpretation on this point, and a few explicitly endorsed it.

After careful consideration of these comments, EPA continues to believe, for reasons summarized below, that its interpretation of section 111(d) is legally correct. Moreover, EPA believes that its interpretation is essential to the effective implementation of section 111(d), particularly where health-related pollutants are involved. As discussed more fully below, however, EPA has decided that it is appropriate to allow States somewhat more flexibility in establishing plans for the control of welfare-related pollutants and has revised the proposed regulations accordingly.

Although section 111(d) does not specify explicit criteria for approval or disapproval of State plans, the Administrator must disapprove plans that are not "satisfactory" [Section 111(d)(2)(A)]. Appropriate criteria must therefore be inferred from the language and context of section 111(d) and from its legislative history. It seems clear, for example, that the Administrator must disapprove plans not adopted and submitted in accordance with the procedural requirements he prescribes under section 111(d), and none of the commentators questioned this concept. The principal questions, therefore, are whether Congress intended that the Administrator base approvals and disapprovals on substantive as well as procedural criteria and, if so, on what types of substantive criteria.

A brief summary of the legislative history of section 111(d) will facilitate discussion of these questions. Section 111(d) was enacted as part of the Clean Air Amendments of 1970. No comparable provision appeared in the House bill. The Senate bill, however, contained a section 114 that would have required the establishment of national emission standards for "selected air pollution agents." Although the term "selected air pollution agent" did not include pollutants that might affect public welfare [which are subject to control under section 111(d)], its definition otherwise corresponded to the description of pollutants to be controlled under section 111(d). Section 114 of the Senate bill was rewritten in conference to become section 111(d). Although the Senate report and debates include references to the intent of section 114, neither the conference report nor subsequent debates include any discussion of section 111(d) as finally enacted. In the absence of such discussion, EPA believes inferences concerning the legislative intent of section 111(d) may be drawn from the general purpose of section 114 of the Senate bill and from the manner in which it was rewritten in conference.

After a careful examination of section 111(d), its statutory context, and its legislative history, EPA believes the following conclusions may be drawn:

(1) As appears from the Senate report and debates, section 114 of the Senate bill was designed to address a specific problem. That problem was how to reduce emissions of pollutants which are (or may be) harmful to health but which, on the basis of information likely to be available in the near term, cannot be controlled under other sections of the Act as criteria pollutants or as hazardous pollutants. (It was made clear that such pollutants might be controlled as criteria or hazardous pollutants as more definitive information became available.) The approach taken in section 114 of the Senate bill was to require national emission standards designed to assure that emissions of such pollutants would not endanger health.

(2) The Committee of Conference chose to rewrite the Senate provision as part of section 111, which in effect requires maximum feasible control of pollutants from new stationary sources through technology-based standards (as opposed to standards designed to assure protection of health or welfare or both). For reasons summarized below, EPA believes this choice reflected a decision in conference that a similar approach (making allowances for the costs of controlling existing sources) was appropriate for the pollutants to be controlled under section 111(d).

(3) As reflected in the Senate report and debates, the pollutants to be controlled under section 114 of the Senate bill were considered a category distinct from the pollutants for which criteria documents had been written or might soon be written. In part, these pollutants differed from the criteria pollutants in that much less information was available concerning their effects on public health and welfare. For that reason, it would have been difficult—if not impossible—to prescribe legally defensible standards designed to protect public health or welfare for these pollutants until more definitive information became available. Yet the pollutants, by definition, were those which (although not criteria pollutants and not known to be hazardous) had or might be expected to have adverse effects on health.

(4) Under the circumstances, EPA believes, the conferees decided (a) that control of such pollutants on some basis was necessary; (b) that, given the relative lack of information on their health and welfare effects, a technology-based approach (similar to that for new sources) would be more feasible than one involving an attempt to set standards tied specifically to protection of health; and (c) that the technology-based approach (making allowances for the costs of controlling existing sources) was a reasonable means of attacking the problem until more definitive information became known, particularly because the States would be free under section 116 of the Act to adopt more stringent standardse if they believed additional control was desirable. In short, EPA believes the conferees chose to rewrite section 114 as part of section 111 largely because they intended the technology-based approach of that section to extend (making allowances for the costs of controlling existing sources) to action under section 111(d). In this view, it was unnecessary (although it might have been desirable) to specify explicit substantive criteria in section 111(d) because the intent to require a technology-based approach could be inferred from placement of the provision in section 111.

Related considerations support this interpretation of section 111(d). For example, section 111(d) requires the Administrator to prescribe a plan for a State that fails to submit a satisfactory plan. It is obvious that he could only prescribe standards on some substantive basis. The references to section 110 of the Act suggest that (as in section 110) he was intended to do generally what the States in such cases should have done, which in turn suggests that (as in section 110) Congress intended the States to prescribe standards on some substantive basis. Thus, it seems clear that some substantive criterion was intended to govern not only the Administrator's promulgation of standards but also his review of State plans.

Still other considerations support EPA's interpretation of section 111(d). Even a cursory examination of the legislative history of the 1970 amendments reveals that Congress was dissatisfied with air pollution control efforts at all levels

of government and was convinced that relatively drastic measures were necessary to protect public health and welfare. The result was a series of far-reaching amendments which, coupled with virtually unprecedented statutory deadlines, required EPA and the States to take swift and aggressive action. Although Congress left initial responsibility with the States for control of criteria pollutants under section 110, it set tough minimum criteria for such action and required Federal assumption of responsibility where State action was inadequate. It also required direct Federal action for control of new stationary sources, hazardous pollutants, and mobile sources. Finally, in an extraordinary departure from its practice of delegating rulemaking authority to administrative agencies (a departure intented to force the pace of pollution control efforts in the automobile industry), Congress itself enacted what amounted to statutory emission standards for the principal automotive pollutants.

Against this background of Congressional firmness, the overriding purpose of which was to protect public health and welfare, it would make no sense to interpret section 111(d) as requiring the Administrator to base approval or disapproval of State plans solely on procedural criteria. Under that interpretation, States could set extremely lenient standards—even standards permitting greatly increased emissions—so long as EPA's procedural requirements were met. Given that the pollutants in question are (or may be) harmful to public health and welfare, and that section 111(d) is the only provision of the Act requiring their control, it is difficult to believe that Congress meant to leave such a gaping loophole in a statutory scheme otherwise designed to force meaningful action.

Some of the comments on the proposed regulations assume that the States were intended to set emission standards based directly on protection of public health and welfare. EPA believes this view is consistent with its own view that the Administrator was intended to base approval or disapproval of State plans on substantive as well as procedural criteria but believes Congress intended a technology-based approach rather than one based directly on protection of health and welfare. The principal factors leading EPA to this conclusion are summarized above. Another is that if Congress had intended an approach based directly on protection of health and welfare, it could have rewritten section 114 of the Senate bill as part of section 110, which epitomizes that approach, rather than as part of section 111. Indeed, with relatively minor changes in language, Congress could simply have retained section 114 as a separate section requiring action based directly on protection of health and welfare.

Still another factor is that asking each of the States, many of which had limited resources and expertise in air pollution control, to set standards protective of health and welfare in the absence of adequate information would have made even less sense than requiring the Administrator to do so with the various resources at his command. Requiring a technology-based approach, on the other hand, would not only shift the criteria for decision-making to more solid ground (the availability and costs of control technology) but would also take advantage of the information and expertise available to EPA from its assessment of techniques for the control of the same pollutants from the same types of sources under section 111(b), as well as its power to compel submission of information about such techniques under section 114 of the Act (42 U.S.C. 1857c–9). Indeed, section 114 was made specifically applicable for the purpose (among others) of assisting in the development of State plans under section 111(d). For all of these reasons, EPA believes Congress intended a technology-based approach rather than one based directly on protection of health and welfare.

Some of the comments argued that EPA's emission guidelines under section 111(d) will, in effect, be national emission standards for existing sources, a concept they argue was rejected in section 111(d). In general, the comments rely on the fact that although section 114 of the Senate bill specifically provided for national emission standards, section 111(d) calls for establishment of emission standards by States. EPA believes that the rewriting of section 114 in conference is consistent with the establishment of national criteria by which to judge the adequacy of State plans, and that the approach taken in section 111(d) may be viewed as largely the result of two decisions: (1) To adopt a technology-based approach similar to that for new sources; and (2) to give States a greater role than was provided in section 114. Thus, States will have primary responsibility for developing and enforcing control plans under section 111(d); under section 114, they would only have been invited to seek a delegation of authority to enforce Federally developed standards. Under EPA's interpretation of section 111(d), States will also have authority to grant variances in cases of economic hardship; under section 114, only the Administrator would have had authority to grant such relief. As with section 110, assigning primary responsibility to the States in these areas is perfectly consistent with review of their plans on some substantive basis. If there is to be substantive review, there must be criteria for the review, and EPA believes it is desirable (if not legally required) that the criteria be made known in advance to the States, to industry, and to the general public. The emission guidelines, each of which will be subjected to public comment before final adoption, will serve this function.

In any event, whether or not Congress "rejected" the concept of national emission standards for existing sources, EPA's emission guidelines will not have the purpose or effect of national emission standards. As emphasized elsewhere in this preamble, they will not be requirements enforceable against any source. Like the national ambient air quality standards prescribed under section 109 and the items set forth in section 110(a)(2)(A)–(H), they will only be criteria for judging the adequacy of State plans.

Moreover, it is inaccurate to argue (as did one comment) that, because EPA's emission guidelines will reflect best available technology considering cost, States will be unable to set more stringent standards. EPA's emission guidelines will reflect its judgment of the degree of control that can be attained by various classes of existing sources without unreasonable costs. Particular sources within a class may be able to achieve greater control without unreasonable costs. Moreover, States that believe additional control is necessary or desirable will be free under section 116 of the Act to require more expensive controls, which might have the effect of closing otherwise marginal facilities, or to ban particular categories of sources outright. Section 60.24(g) has been added to clarify this point. On the other hand, States will be free to set more lenient standards, subject to EPA review, as provided in §§ 60.24(d) and (f) in the case of welfare-related pollutants and in cases of economic hardship.

Finally, as discussed elsewhere in this preamble, EPA's emission guidelines will reflect subcategorization within source categories where appropriate, taking into account differences in sizes and types of facilities and similar con- §§ 60.24 (d) and (f) in the case of wel- siderations, including differences in control costs that may be involved for sources located in different parts of the country. Thus, EPA's emission guidelines will in effect be tailored to what is reasonably achievable by particular classes of existing sources, and States will be free to vary from the levels of control represented by the emission guidelines in the ways mentioned above. In most if not all cases, the result is likely to be substantial variation in the degree of control required for particular sources, rather than identical standards for all sources.

In summary, EPA believes section 111(d) is a hybrid provision, intended to combine primary State responsibility for plan development and enforcement (as in section 110) with the technology-based approach (making allowances for the costs of controlling existing sources) taken in section 111 generally. As indicated above, EPA believes its interpretation of section 111(d) is legally correct in view of the language, statutory context, and legislative history of the provision.

Even assuming some other interpretation were permissible, however, EPA believes its interpretation is essential to the effective implementation of section 111(d), particularly where health-related pollutants are involved. Most of the reasons for this conclusion are discussed above, but it may be useful to summarize them here. Given the relative lack of information concerning the effects of designated pollutants on public health and welfare, it would be

difficult—if not impossible—for the States or EPA to prescribe legally defensible standards based directly on protection of health and welfare. By contrast, a technology-based approach takes advantage of the information and expertise available to EPA from its assessment of techniques for the control of the same pollutants from the same types of sources under section 111(b), as well as EPA's power to compel submission of information about such techniques under section 114 of the Act. Given the variety of circumstances that may be encountered in controlling existing as opposed to new sources, it makes sense to have the States develop plans based on technical information provided by EPA and make judgments, subject to EPA review, concerning the extent to which less stringent requirements are appropriate. Finally, EPA review of such plans for their substantive adequacy is essential (particularly for health-related pollutants) to assure that meaningful controls will be imposed. For these reasons, given a choice of permissible interpretations of section 111(d), EPA would choose the interpretation on which Subpart B is based on the ground that it is essential to the effective implementation of the provision, particularly where health-related pollutants are involved.

As indicated previously, however, EPA has decided that it is appropriate to allow the States more flexibility in establishing plans for the control of welfare-related pollutants than is provided for plans involving health-related pollutants. Accordingly, the proposed regulations have been revised to provide that States may balance the emission guidelines, compliance times and other information in EPA's guideline documents against other factors in establishing emission standards, compliance schedules, and variances for welfare-related pollutants, provided that appropriate consideration is given to the information presented in the guideline documents and at public hearings, and that all other requirements of Subpart B are met [§ 60.24(d)]. Where sources of pollutants that cause only adverse effects to crops are located in nonagricultural areas, for example, or where residents of a local community depend on an economically marginal plant for their livelihood, such factors could be taken into account. Consistent with section 116 of the Act, of course, States will remain free to adopt requirements as stringent as (or more stringent than) the corresponding emission guidelines and compliance times specified in EPA's guideline documents if they wish [see § 60.24(g)].

A number of factors influenced EPA's decision to allow States more flexibility in establishing plans for control of welfare-related pollutants than is provided for plans involving health-related pollutants. The dominant factor, of course, is that effects on public health would not be expected to occur in such cases, even if State plans required no greater controls than are presently in effect. In a sense, allowing the States greater latitude in such cases simply reflects EPA's view (stated in the preamble to the proposed regulations) that requiring maximum feasible control of designated pollutants may be unreasonable in some situations. Although pollutants that cause only damage to vegetation, for example, are subject to control under section 111(d), few would argue that requiring maximum feasible control is as important for such pollutants as it is for pollutants that endanger public health.

This fundamental distinction—between effects on public health and effects on public welfare—is reflected in section 110 of the Act, which requires attainment of national air quality standards that protect public health within a certain time (regardless of economic and social consequences) but requires attainment of national standards that protect public welfare only within "a reasonable time." The significance of this distinction is reflected in the legislative history of section 110; and the legislative history of section 111(d), although inconclusive, suggests that its primary purpose was to require control of pollutants that endanger public health. For these reasons, EPA believes it is both permissible under section 111(d) and appropriate as a matter of policy to approve State plans requiring less than maximum feasible control of welfare-related pollutants where the States wish to take into account considerations other than technology and cost.

On the other hand, EPA believes section 111(d) requires maximum feasible control of welfare-related pollutants in the absence of such considerations and will disapprove plans that require less stringent control without some reasoned explanation. For similar reasons, EPA will promulgate, plans requiring maximum feasible control if States fail to submit satisfactory plans for welfare-related pollutants [§ 60.27(e)(1).] Under § 60.27(e)(2), however, relief will still be available for particular sources where economic hardship can be shown.

(3) *Variances.* One comment asserted that neither the letter nor the intent of section 111 allows variances from plan requirements based on application of best adequately demonstrated control systems. Although section 111(d) does not explicitly provide for variances, it does require consideration of the cost of applying standards to existing facilities. Such a consideration is inherently different than for new sources, because controls cannot be included in the design of an existing facility and because physical limitations may make installation of particular control systems impossible or unreasonably expensive in some cases. For these reasons, EPA believes the provision [§ 60.24(f)] allowing States to grant relief in cases of economic hardship (where health-related pollutants are involved) is permissible under section 111(d). For the same reasons, language has been included in § 60.24(d) to make clear that variances are also permissible where welfare-related pollutants are involved, although the flexibility provided by that provision may make variances unnecessary.

Several commentators urged that proposed § 60.23(e) [now § 60.24(f)] be amended to indicate that States are not required to consider applications for variances if they do not feel it appropriate to do so. The commentators contended that the proposed wording would invite applications for variances, would allow sources to delay compliance by submitting such applications, might conflict with existing State laws, and would probably impose significant burdens on State and local agencies. In addition, there is some question whether the mandatory review provision as proposed would be consistent with section 116 of the Act, which makes clear that States are free to adopt and enforce standards more stringent than Federal standards. Accordingly, the proposed wording has been amended to permit, but not require, State review of facilities for the purpose of applying less stringent standards. To give the States more flexibility, § 60.24(f) has also been amended to permit variances for particular classes of sources as well as for particular sources.

Other comments requested that EPA make clear whether proposed § 60.23(e) [now § 60.24(f)] would allow permanent variances or whether EPA intends ultimate compliance with the emission standards that would apply in the absence of variances. Section 60.24(f) is intended to utilize existing State variance procedures as much as possible. Thus it is up to the States to decide whether less stringent standards are to be applied permanently or whether ultimate compliance will be required.

Another commentator suggested that compliance with or satisfactory progress toward compliance with an existing State emission standard should be a sufficient reason for applying a less stringent standard under § 60.24(f). Such compliance is not necessarily sufficient because existing standards have not always been developed with the intention of requiring maximum feasible control. As indicated in the preamble to the proposed regulations, however, if an existing State emission standard is relatively close to the degree of control that would otherwise be required, and the cost of additional control would be relatively great, there may be justification to apply a less stringent standard under § 60.24(f).

One thoughtful comment suggested that consideration of variances under Subpart B could in effect undermine related SIP requirements; e.g., where designated pollutants occur in particulate forms and are thus controlled to some extent under SIP requirements applicable to particulate matter. Nothing in section 111(d) or Subpart B, however, will preempt SIP requirements. In the event of a conflict, protection of health and welfare under section 110 must control.

(4) *Public hearing requirement.* Based on comments that the requirement for a public hearing on the plan in each AQCR

containing a designated facility is too burdensome, the proposed regulation has been amended to require only one hearing per State per plan. While the Agency advocates public participation in environmental rulemaking, it also recognizes the expense and effort involved in holding multiple hearings. States are urged to hold as many hearings as practicable to assure adequate opportunity for public participation. The hearing requirements have also been amended to provide that a public hearing is not required in those States which have an existing emission standard that was adopted after a public hearing and is at least as stringent as the corresponding EPA emission guidelines, and to permit approval of State notice and hearing procedures different than those specified in Subpart B in some cases.

(5) *Compliance schedules.* The proposed regulation required that all compliance schedules be submitted with the plan. Several commentators suggested that this requirement would not allow sufficient time for negotiation of schedules and could cause duplicative work if the emission standards were not approved. For this reason a new § 60.24 (e)(2) has been added to allow submission of compliance schedules after plan submission but no later than the date of the first semiannual report required by § 60.25(e).

(6) *Existing regulations.* Several comments dealt with States which have existing emission standards for designated pollutants. One commentator urged that such States be exempted from the requirements of adopting and submitting plans. However, the Act requires EPA to evaluate both the adequacy of a State's emission standards and the procedural aspects of the plan. Thus, States with existing regulations must submit plans.

Another commentator suggested that the Administrator should approve existing emission standards which, because they are established on a different basis (e.g., concentration standards vs. process-weight-rate type standards), are more stringent than the corresponding EPA emission guideline for some facilities and less stringent for others. The Agency cannot grant blanket approval for such emission standards; however, the Administrator may approve that part of an emission standard which is equal to or more stringent than the EPA emission guideline and disapprove that portion which is less stringent. Also, the less stringent portions may be approvable in some cases under § 60.24 (d) or (f). Finally, subcategorization by size of source under § 60.22(b)(5) will probably limit the number of cases in which this situation will arise.

Other commentators apparently assumed that some regulations for designated pollutants were approved in the State implementation plans (SIPs). Although some States may have submitted regulations limiting emissions of designated pollutants with the SIPs, such regulations were not considered in the approval or disapproval of those plans and are not considered part of approved plans because, under section 110, SIPs, apply only to criteria pollutants.

(7) *Emission inventory data and reports.* Section 60.24 of the proposed regulations [now § 60.25] required emission inventory data to be submitted on data forms which the Administrator was to specify in the future. It was expected that a computerized subsystem to the National Emission Data System (NEDS) would be available that would accommodate emission inventory information on the designated pollutants. However, since this subsystem and concomitant data form will probably not be developed and approved in time for plan development, the designated pollutant information called for will not be required in computerized data format. Instead, the States will be permitted to submit this information in a non-computerized format as outlined in a new Appendix D along with the basic facility information on NEDS forms (OMB #158–R0095) according to procedures in APTD 1135, "Guide for Compiling a Comprehensive Emission Inventory" available from the Air Pollution Technical Information Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. In addition, § 60.25(f)(5) has been amended to require submission of additional information with the semiannual reports in order to provide a better tracking mechanism for emission inventory and compliance monitoring purposes.

(8) *Timing.* Proposed § 60.27(a) required proposal of emission guidelines for designated pollutants simultaneously with proposal of corresponding standards of performance for new (affected) facilities. This section, redesignated § 60.22, has been amended to require proposal (or publication for public comment) of an emission guideline after promulgation of the corresponding standard of performance. Two written comments and several informal comments from industrial representatives indicated that more time was needed to evaluate a standard of performance and the corresponding emission guideline than would be allowed by simultaneous proposal and promulgation. Also, by proposing (or publishing) an emission guideline after promulgation of the corresponding standard of performance, the Agency can benefit from the comments on the standard of performance in developing the emission guideline.

Proposed § 60.27(a) required proposal of sulfuric acid mist emission guidelines within 30 days after promulgation of Subpart B. This provision was included as an exception to the proposed general rule (requiring simultaneous proposal of emission guidelines and standards of performance) because it was impossible to propose the acid mist emission guideline simultaneously with the corresponding standard of performance, which had been promulgated previously. The change in the general rule, discussed above, makes the proposed exception unnecessary, so it has been deleted. As previously stated, the Agency intends to establish emission guidelines for sulfuric acid mist [and for fluorides, for which new source standards were promulgated (40 FR 33152) after proposal of Subpart B] as soon as possible.

(9) *Miscellaneous.* Several commentators argued that the nine months provided for development of State plans after promulgation of an emission guideline by EPA would be insufficient. In most cases, much of the work involved in plan development, such as emission inventories, can be begun when an emission guideline is proposed (or published for comment) by EPA; thus, several additional months will be gained. Extensive control strategies are not required, and after the first plan is submitted, submitted, subsequent plans will mainly consist of adopted emission standards. Section 111(d) plans will be much less complex than the SIPs, and Congress provided only nine months for SIP development. Also, States may already have approvable procedures and legal authority [see §§ 60.25(d) and 60.26(b)], and the number of designated facilities per State should be few. For these reasons, the nine-month provision has been retained.

Some comments recommended that the requirements for adoption and submittal of section 111(d) plans appear in 40 CFR Part 51 or in some part of 40 CFR other than Part 60, to allow differentiation among such requirements, emission guidelines, new source standards and plans promulgated by EPA. The Agency believes that the section 111(d) requirements neither warrant a separate part nor should appear in Part 51, since Part 51 concerns control under section 110 of the Act. For clarity, however, subpart B of Part 60 will contain the requirements for adoption and submittal of section 111(d) plans; Subpart C of Part 60 will contain emission guidelines and times for compliance promulgated under § 60.22 (c); and a new Part 62 will be used for approval or disapproval of section 111(d) and for plans (or portions thereof) promulgated by EPA where State plans are disapproved in whole or in part.

Two comments suggested that the plans should specify test methods and procedures to be used in demonstrating compliance with the emission standards. Only when such procedures and methods are known can the stringency of the emission standard be determined. Accordingly, this change has been included in § 60.24(b).

A new § 60.29 has been added to make clear that the Administrator may revise plan provisions he has promulgated under § 60.27(d), and § 60.27(e) has been revised to make clear that he will consider applications for variances from emission standards promulgated by EPA.

Effective Date. These regulations become effective on December 17, 1975.

(Sections 111, 114, and 301 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91–604, 84 Stat. 1678, and by sec. 15(c)(2) of Pub. L. 91–604, 84 Stat. 1713 (42 U.S.C. 1857c–6, and 1857c–9, 1857g).

Dated: November 5, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections for Part 60 is amended by adding a list of sections for Subpart B and by adding Appendix D to the list of appendixes as follows:

* * * * *

Subpart B—Adoption and Submittal of State Plans for Designated Facilities

Sec.
60.20 Applicability.
60.21 Definitions.
60.22 Publication of guideline documents, emission guidelines, and final compliance times.
60.23 Adoption and submittal of State plans; public hearings.
60.24 Emission standards and compliance schedules.
60.25 Emission inventories, source surveillance, reports.
60.26 Legal authority.
60.27 Actions by the Administrator.
60.28 Plan revisions by the State.
60.29 Plan revisions by the Administrator.

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APPENDIX D—REQUIRED EMISSION INVENTORY INFORMATION

2. The authority citation at the end of the table of sections for Part 60 is revised to read as follows:

AUTHORITY: Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9). Subpart B also issued under sec. 301(a) of the Clean Air Act, as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g).

3. Section 60.1 is revised to read as follows:

§ 60.1 Applicability.

Except as provided in Subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

4. Part 60 is amended by adding Subpart B as follows:

Subpart B—Adoption and Submittal of State Plans for Designated Facilities

§ 60.20 Applicability.

The provisions of this subpart apply to States upon publication of a final guideline document under § 60.22(a).

§ 60.21 Definitions.

Terms used but not defined in this subpart shall have the meaning given them in the Act and in subpart A:

(a) "Designated pollutant" means any air pollutant, emissions of which are subject to a standard of performance for new stationary sources but for which air quality criteria have not been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act.

(b) "Designated facility" means any existing facility (see § 60.2(aa)) which emits a designated pollutant and which would be subject to a standard of performance for that pollutant if the existing facility were an affected facility (see § 60.2(e)).

(c) "Plan" means a plan under section 111(d) of the Act which establishes emission standards for designated pollutants from designated facilities and provides for the implementation and enforcement of such emission standards.

(d) "Applicable plan" means the plan, or most recent revision thereof, which has been approved under § 60.27(b) or promulgated under § 60.27(d).

(e) "Emission guideline" means a guideline set forth in subpart C of this part, or in a final guideline document published under § 60.22(a), which reflects the degree of emission reduction achievable through the application of the best system of emission reduction which (taking into account the cost of such reduction) the Administrator has determined has been adequately demonstrated for designated facilities.

(f) "Emission standard" means a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.

(g) "Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source or category or sources must comply with specific emission standards contained in a plan or with any increments of progress to achieve such compliance.

(h) "Increments of progress" means steps to achieve compliance which must be taken by an owner or operator of a designated facility, including:

(1) Submittal of a final control plan for the designated facility to the appropriate air pollution control agency;

(2) Awarding of contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modification.

(3) Initiation of on-site construction or installation of emission control equipment or process change;

(4) Completion of on-site construction or installation of emission control equipment or process change; and

(5) Final compliance.

(i) "Region" means an air quality control region designated under section 107 of the Act and described in Part 81 of this chapter.

(j) "Local agency" means any local governmental agency.

§ 60.22 Publication of guideline documents, emission guidelines, and final compliance times.

(a) After promulgation of a standard of performance for the control of a designated pollutant from affected facilities, the Administrator will publish a draft guideline document containing information pertinent to control of the designated pollutant from designated facilities. Notice of the availability of the draft guideline document will be published in the FEDERAL REGISTER, and public comments on its contents will be invited. After consideration of public comments, a final guideline document will be published and notice of its availability will be published in the FEDERAL REGISTER.

(b) Guideline documents published under this section will provide information for the development of State plans, such as:

(1) Information concerning known or suspected endangerment of public health or welfare caused, or contributed to, by the designated pollutant.

(2) A description of systems of emission reduction which, in the judgment of the Administrator, have been adequately demonstrated.

(3) Information on the degree of emission reduction which is achievable with each system, together with information on the costs and environmental effects of applying each system to designated facilities.

(4) Incremental periods of time normally expected to be necessary for the design, installation, and startup of identified control systems.

(5) An emission guideline that reflects the application of the best system of emission reduction (considering the cost of such reduction) that has been adequately demonstrated for designated facilities, and the time within which compliance with emission standards of equivalent stringency can be achieved. The Administrator will specify different emission guidelines or compliance times or both for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, or similar factors make subcategorization appropriate.

(6) Such other available information as the Administrator determines may contribute to the formulation of State plans.

(c) Except as provided in paragraph (d)(1) of this section, the emission guidelines and compliance times referred to in paragraph (b)(5) of this section will be proposed for comment upon publication of the draft guideline document, and after consideration of comments will be promulgated in Subpart C of this part with such modifications as may be appropriate.

(d)(1) If the Administrator determines that a designated pollutant may cause or contribute to endangerment of public welfare, but that adverse effects on public health have not been demonstrated, he will include the determination in the draft guideline document and in the FEDERAL REGISTER notice of its availability. Except as provided in paragraph (d)(2) of this section, paragraph (c) of this section shall be inapplicable in such cases.

(2) If the Administrator determines at any time on the basis of new information that a prior determination under paragraph (d)(1) of this section is incorrect or no longer correct, he will publish notice of the determination in the FEDERAL REGISTER, revise the guideline document as necessary under paragraph (a) of this section, and propose and promulgate emission guidelines and compliance times under paragraph (c) of this section.

§ 60.23 Adoption and submittal of State plans; public hearings.

(a)(1) Within nine months after notice of the availability of a final guideline document is published under § 60.22(a), each State shall adopt and submit to the Administrator, in accordance with § 60.4, a plan for the control of the designated pollutant to which the guideline document applies.

(2) Within nine months after notice of the availability of a final revised guideline document is published as provided in § 60.22(d)(2), each State shall adopt and submit to the Administrator any plan revision necessary to meet the requirements of this subpart.

(b) If no designated facility is located within a State, the State shall submit a letter of certification to that effect to the Administrator within the time specified in paragraph (a) of this section. Such certification shall exempt the State from the requirements of this subpart for that designated pollutant.

(c)(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, the State shall, prior to the adoption of any plan or revision thereof, conduct one or more public hearings within the State on such plan or plan revision.

(2) No hearing shall be required for any change to an increment of progress in an approved compliance schedule unless the change is likely to cause the facility to be unable to comply with the final compliance date in the schedule.

(3) No hearing shall be required on an emission standard in effect prior to the effective date of this subpart if it was adopted after a public hearing and is at least as stringent as the corresponding emission guideline specified in the applicable guideline document published under § 60.22(a).

(d) Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:

(1) Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected;

(2) Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply;

(3) Notification to the Administrator;

(4) Notification to each local air pollution control agency in each region to which the plan or revision will apply; and

(5) In the case of an interstate region, notification to any other State included in the region.

(e) The State shall prepare and retain, for a minimum of 2 years, a record of each hearing for inspection by any interested party. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) The State shall submit with the plan or revision:

(1) Certification that each hearing required by paragraph (c) of this section was held in accordance with the notice required by paragraph (d) of this section; and

(2) A list of witnesses and their organizational affiliations, if any, appearing at the hearing and a brief written summary of each presentation or written submission.

(g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures designed to insure public participation in the matters for which hearings are required and public notification of the opportunity to participate if, in the judgment of the Administrator, the procedures, although different from the requirements of this subpart, in fact provide for adequate notice to and participation of the public. The Administrator may impose such conditions on his approval as he deems necessary. Procedures approved under this section shall be deemed to satisfy the requirements of this subpart regarding procedures for public hearings.

§ 60.24 Emission standards and compliance schedules.

(a) Each plan shall include emission standards and compliance schedules.

(b)(1) Emission standards shall prescribe allowable rates of emissions except when it is clearly impracticable. Such cases will be identified in the guideline documents issued under § 60.22. Where emission standards prescribing equipment specifications are established, the plan shall, to the degree possible, set forth the emission reductions achievable by implementation of such specifications, and may permit compliance by the use of equipment determined by the State to be equivalent to that prescribed.

(2) Test methods and procedures for determining compliance with the emission standards shall be specified in the plan. Methods other than those specified in Appendix A to this part may be specified in the plan if shown to be equivalent or alternative methods as defined in § 60.2(t) and (u).

(3) Emission standards shall apply to all designated facilities within the State. A plan may contain emission standards adopted by local jurisdictions provided that the standards are enforceable by the State.

(c) Except as provided in paragraph (f) of this section, where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public health, emission standards shall be no less stringent than the corresponding emission guideline(s) specified in subpart C of this part, and final compliance shall be required as expeditiously as practicable but no later than the compliance times specified in Subpart C.

(d) Where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public welfare but that adverse effects on public health have not been demonstrated, States may balance the emission guidelines, compliance times, and other information provided in the applicable guideline document against other factors of public concern in establishing emission standards, compliance schedules, and variances. Appropriate consideration shall be given to the factors specified in § 60.22(b) and to information presented at the public hearing(s) conducted under § 60.23(c).

(e)(1) Any compliance schedule extending more than 12 months from the date required for submittal of the plan shall include legally enforceable increments of progress to achieve compliance for each designated facility or category of facilities. Increments of progress shall include, where practicable, each increment of progress specified in § 60.21(h) and shall include such additional increments of progress as may be necessary to permit close and effective supervision of progress toward final compliance.

(2) A plan may provide that compliance schedules for individual sources or categories of sources will be formulated after plan submittal. Any such schedule shall be the subject of a public hearing held according to § 60.23 and shall be submitted to the Administrator within 60 days after the date of adoption of the schedule but in no case later than the date prescribed for submittal of the first semiannual report required by § 60.25(e).

(f) On a case-by-case basis for particular designated facilities, or classes of facilities, States may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by paragraph (c) of this section, provided that the State demonstrates with respect to each such facility (or class of facilities):

(1) Unreasonable cost of control resulting from plant age, location, or basic process design;

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the facility (or class of facilities) that make application of a less stringent standard or final compliance time significantly more reasonable.

(g) Nothing in this subpart shall be construed to preclude any State or political subdivision thereof from adopting or enforcing (1) emission standards more stringent than emission guidelines specified in subpart C of this part or in applicable guideline documents or (2) compliance schedules requiring final compliance at earlier times than those specfied in subpart C or in applicable guideline documents.

§ 60.25 Emission inventories, source surveillance, reports.

(a) Each plan shall include an inventory of all designated facilities, including emission data for the designated pollutants and information related to emissions as specified in Appendix D to this part. Such data shall be summarized in the plan, and emission rates of designated pollutants from designated facilities shall be correlated with applicable emission standards. As used in this subpart, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions

allowable under applicable emission standards.

(b) Each plan shall provide for monitoring the status of compliance with applicable emission standards. Each plan shall, as a minimum, provide for:

(1) Legally enforceable procedures for requiring owners or operators of designated facilities to maintain records and periodically report to the State information on the nature and amount of emissions from such facilities, and/or such other information as may be necessary to enable the State to determine whether such facilities are in compliance with applicable portions of the plan.

(2) Periodic inspection and, when applicable, testing of designated facilities.

(c) Each plan shall provide that information obtained by the State under paragraph (b) of this section shall be correlated with applicable emission standards (see § 60.25(a)) and made available to the general public.

(d) The provisions referred to in paragraphs (b) and (c) of this section shall be specifically identified. Copies of such provisions shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates:

(i) That the provisions are applicable to the designated pollutant(s) for which the plan is submitted, and

(ii) That the requirements of § 60.26 are met.

(e) The State shall submit reports on progress in plan enforcement to the Administrator on a semiannual basis, commencing with the first full report period after approval of a plan or after promulgation of a plan by the Administrator. The semiannual periods are January 1–June 30 and July 1–December 31. Information required under this paragraph shall be included in the semiannual reports required by § 51.7 of this chapter.

(f) Each progress report shall include:

(1) Enforcement actions initiated against designated facilities during the reporting period, under any emission standard or compliance schedule of the plan.

(2) Identification of the achievement of any increment of progress required by the applicable plan during the reporting period.

(3) Identification of designated facilities that have ceased operation during the reporting period.

(4) Submission of emission inventory data as described in paragraph (a) of this section for designated facilities that were not in operation at the time of plan development but began operation during the reporting period.

(5) Submission of additional data as necessary to update the information submitted under paragraph (a) of this section or in previous progress reports.

(6) Submission of copies of technical reports on all performance testing on designated facilities conducted under paragraph (b)(2) of this section, complete with concurrently recorded process data.

§ 60.26 Legal authority.

(a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:

(1) Adopt emission standards and compliance schedules applicable to designated facilities.

(2) Enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.

(3) Obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.

(4) Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to the public as reported and as correlated with applicable emission standards.

(b) The provisions of law or regulations which the State determines provide the authorities required by this section shall be specifically identified. Copies of such laws or regulations shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the plan is submitted.

(c) The plan shall show that the legal authorities specified in this section are available to the State at the time of submission of the plan. Legal authority adequate to meet the requirements of paragraphs (a)(3) and (4) of this section may be delegated to the State under section 114 of the Act.

(d) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out that portion of the plan.

(e) The State may authorize a local agency to carry out a plan, or portion thereof, within the local agency's jurisdiction if the plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion thereof, and that the authorization does not relieve the State of responsibility under the Act for carrying out the plan or portion thereof.

§ 60.27 Actions by the Administrator.

(a) The Administrator may, whenever he determines necessary, extend the period for submission of any plan or plan revision or portion thereof.

(b) After receipt of a plan or plan revision, the Administrator will propose the plan or revision for approval or disapproval. The Administrator will, within four months after the date required for submission of a plan or plan revision, approve or disapprove such plan or revision or each portion thereof.

(c) The Administrator will, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a plan, or portion thereof, for a State if:

(1) The State fails to submit a plan within the time prescribed;

(2) The State fails to submit a plan revision required by § 60.23(a)(2) within the time prescribed; or

(3) The Administrator disapproves the State plan or plan revision or any portion thereof, as unsatisfactory because the requirements of this subpart have not been met.

(d) The Administrator will, within six months after the date required for submission of a plan or plan revision, promulgate the regulations proposed under paragraph (c) of this section with such modifications as may be appropriate unless, prior to such promulgation, the State has adopted and submitted a plan or plan revision which the Administrator determines to be approvable.

(e)(1) Except as provided in paragraph (e)(2) of this section, regulations proposed and promulgated by the Administrator under this section will prescribe emission standards of the same stringency as the corresponding emission guideline(s) specified in the final guideline document published under § 60.22(a) and will require final compliance with such standards as expeditiously as practicable but no later than the times specified in the guideline document.

(2) Upon application by the owner or operator of a designated facility to which regulations proposed and promulgated under this section will apply, the Administrator may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by this section in accordance with the criteria specified in § 60.24(f).

(f) If a State failed to hold a public hearing as required by § 60.23(c), the Administrator will provide opportunity for a hearing within the State prior to promulgation of a plan under paragraph (d) of this section.

§ 60.28 Plan revisions by the State.

(a) Plan revisions which have the effect of delaying compliance with applicable emission standards or increments of progress or of establishing less stringent emission standards shall be submitted to the Administrator within 60 days after adoption in accordance with the procedures and requirements applicable to development and submission of the original plan.

(b) More stringent emission standards, or orders which have the effect of ac-

celerating compliance, may be submitted to the Administrator as plan revisions in accordance with the procedures and requirements applicable to development and submission of the original plan.

(c) A revision of a plan, or any portion thereof, shall not be considered part of an applicable plan until approved by the Administrator in accordance with this subpart.

§ 60.29 Plan revisions by the Administrator.

After notice and opportunity for public hearing in each affected State, the Administrator may revise any provision of an applicable plan if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the Act and with the requirements of this subpart.

5. Part 60 is amended by adding Appendix D as follows:

APPENDIX D—REQUIRED EMISSION INVENTORY INFORMATION

(a) Completed NEDS point source form(s) for the entire plant containing the designated facility, including information on the applicable criteria pollutants. If data concerning the plant are already in NEDS, only that information must be submitted which is necessary to update the existing NEDS record for that plant. Plant and point identification codes for NEDS records shall correspond to those previously assigned in NEDS; for plants not in NEDS, these codes shall be obtained from the appropriate Regional Office.

(b) Accompanying the basic NEDS information shall be the following information on each designated facility:

(1) The state and county identification codes, as well as the complete plant and point identification codes of the designated facility in NEDS. (The codes are needed to match these data with the NEDS data.)

(2) A description of the designated facility including, where appropriate:

(i) Process name.

(ii) Description and quantity of each product (maximum per hour and average per year).

(iii) Description and quantity of raw materials handled for each product (maximum per hour and average per year).

(iv) Types of fuels burned, quantities and characteristics (maximum and average quantities per hour, average per year).

(v) Description and quantity of solid wastes generated (per year) and method of disposal.

(3) A description of the air pollution control equipment in use or proposed to control the designated pollutant, including:

(i) Verbal description of equipment.

(ii) Optimum control efficiency, in percent. This shall be a combined efficiency when more than one device operate in series. The method of control efficiency determination shall be indicated (e.g., design efficiency, measured efficiency, estimated efficiency).

(iii) Annual average control efficiency, in percent, taking into account control equipment down time. This shall be a combined efficiency when more than one device operate in series.

(4) An estimate of the designated pollutant emissions from the designated facility (maximum per hour and average per year). The method of emission determination shall also be specified (e.g., stack test, material balance, emission factor).

(Secs. 111, 114, and 301 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678, and by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857c-6, 1857c-9, 1857g))

[FR Doc.75-30611 Filed 11-14-75;8:45 am]

federal register

MONDAY, NOVEMBER 17, 1975

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

INTERSTATE HIGHWAY SYSTEM

Proposed Rulemaking

TRANSPORTATION DEPARTMENT

Federal Highway Administration

[23 CFR Part 476]

[Docket No. 75-3]

INTERSTATE HIGHWAY SYSTEM

Proposed Rulemaking

In the June 12, 1974, edition of the FEDERAL REGISTER (39 FR 20658), the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) published regulations which added a new Part 476 to Title 23 CFR Ch. I. Those regulations implemented certain provisions of Title 23, United States Code, which were added or amended by the Federal-Aid Highway Act of 1973 (87 Stat. 250) relating among other matters to the withdrawal, substitution and addition of Interstate highway segments, and substitution of nonhighway public mass transit projects in lieu of Interstate segments. It was indicated at the time of publication that those regulations did not cover the disposition of Federal monies previously committed to an Interstate highway segment withdrawn under its provisions.

The FHWA is now considering issuing a new Subpart E to Part 476 (Interstate Highway System) which will prescribe the treatment to be given Federal monies reimbursed to States in consideration of obligations incurred on Interstate segments withdrawn pursuant to 23 U.S.C. 103(e)(2) and (e)(4).

While Title 23, United States Code, does not specifically provide for the disposition of Federal funds previously expended on segments of the Federal-aid highway system which the State has determined will not be completed, the FHWA has consistently followed a policy requiring the repayment of the Federal share of certain costs. This policy, popularly referred to as "payback," in general requires a State to pay back to the Federal Government the Federal share of right-of-way and construction costs where the State has determined not to complete the Federal-aid highway segment, and the project agreement between the State and the Federal Government has been mutually rescinded. These proposed regulations, in substantial part, make FHWA payback policies applicable to Interstate segments withdrawn for the purpose of substituting other Interstate segments (23 U.S.C. 103(e)(2)) or nonhighway public mass transit projects (23 U.S.C. 103(e)(4)).

The decision to apply the FHWA payback policy came after careful consideration and discussion both within and without the Department of Transportation, and these regulations represent the Department's desire to provide the maximum amount of funding for substitute projects under 23 U.S.C. 103(e)(2) and 103(e)(4) consistent with the sound fiscal management and responsible stewardship of Federal funds.

The statutory maximum amount of Federal funds available for obligation on a substitute project under section 103(e)(2) or 103(e)(4), as amended by the Federal-Aid Highway Amendments of 1974, section 125, is the Federal share of the cost to complete the withdrawn Interstate segment as set forth in the 1972 Interstate Cost Estimate, increased or decreased, as the case may be as determined by the Federal Highway Administrator, based on changes in construction costs of such segment as of the date of withdrawal of approval and in accordance with that design of such segment which is the basis of such 1972 Cost Estimate. The 1972 Cost Estimate reflects the cost to complete the various uncompleted segments of the Interstate System as of January 1, 1971. (Obligations incurred before January 1, 1971, do not affect the maximum amount legally available for a substitute project.)

Careful consideration was given to the question of whether obligations incurred before January 1, 1971, should be treated the same as those incurred after January 1, 1971. It was determined that equal treatment of the two periods was not appropriate because of the relationship between obligations and the costs which are included in an Interstate Cost Estimate.

These proposed regulations would therefore required that where a State had withdrawn an Interstate segment pursuant to section 103(e)(2) or 103(e)(4), it would be required to pay back all Federal-aid Interstate highway funds that had been reimbursed to the State with respect to obligations and expenses it had incurred in carrying out activities relating to the construction of the withdrawn segment after January 1, 1971. With regard to reimbursements for obligations incurred prior to January 1, 1971, repayment would be required only where the item purchased with Federal-aid highway assistance was (1) tangible, and (2) had a recoverable cost at the time of the withdrawal action. Such items will ordinarily include real property acquired for right-of-way and construction items and materials. In this situation the amount of repayment would be limited to the Federal pro rata share of the value as determined in accordance with these regulations. Conversely, § 476.408 of the proposed regulations excludes from the repayment requirement obligations incurred before January 1, 1971, involving nontangible items such as: preliminary engineering costs; relocation assistance costs; incidental right-of-way acquisition costs; and construction engineering costs.

Because the regulations provide for a different treatment for determining the amount to be repaid for reimbursed obligations incurred before January 1, 1971, and those incurred after January 1, 1971, it is important to note that the operable date is that of the obligation and not the reimbursement. Thus, the method of determining the amount of money to be repaid would be dependent upon the time at which the Federal Government became obligated under 23 U.S.C. 106 to reimburse the funds, and not the time at which the reimbursement was made. In any event, the regulations do not require repayment where obligations were incurred, but not reimbursed.

As indicated earlier, § 476.406 provides that all reimbursed obligations incurred after January 1, 1971, are subject to repayment. However, with regard to determining the amount of repayment for reimbursed obligations incurred before January 1, 1971, greater flexibility is allowed.

Under § 476.410 of the proposed regulations, a State may, except where the Administrator gives prior approval for a determination on some other basis, elect one of three methods to determine the amount of repayment for reimbursed obligations incurred in the purchase of right-of-way. The methods provided by these regulations for determining the amount of repayment for reimbursed obligations incurred before January 1, 1971, for construction items and materials (§ 476.412) are much the same as those with respect to real property. In addition, where the real property or construction items and materials are to be used on another Federal-aid highway project, the amount of repayment will be the difference between the Federal Interstate System share of the cost on the withdrawn project and the Federal share applicable to the other Federal-aid system. It should be noted that where real property or construction items and materials are used in a project on another Federal-aid highway, the State's apportionment for that system would be debited in the amount of the appropriate Federal share. If the real property is used for a highway facility which is not on a Federal-aid highway system, the amount of repayment will be the total value as determined by an appraisal under § 476.410(a)(2) or the reimbursed Federal share of the original purchase price (§ 476.410(a)(3)). If construction items or materials are used for a highway which is not on a Federal-aid highway system, a repayment shall be made in the amount of the reimbursed Federal share of the original cost of such items and materials.

In order to facilitate the expressed desire of the Congress to provide for mass transit under 23 U.S.C. 103(e)(4), the Department feels that any repayment on reimbursed obligations incurred in the acquisition of right-of-way and construction facilities and equipment before January 1, 1971, where such items will be used for a substitute mass transit project, should be determined by negotiation. Consequently, § 476.418 provides for negotiation among the State, FHWA, and UMTA to determine the amount of repayment in this situation.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Room 4230, Docket No. 75-3, 400 7th Street, SW., Washington, D.C. 20590. All written communications received on or before January 5, 1976, will be considered before final action is taken on the proposal. Copies of all written communications will be available for examination during normal business hours at the foregoing address.

These amendments to title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 103(e)(2) and 103(e)(4), and the delegation of authority by the Secretary of Transportation at 48 CFR 1.48(b) and 1.51(f).

In consideration of the foregoing, it is proposed to amend Chapter I of Title 23 of the Code of Federal Regulations by adding a new Subpart E to Part 476 as set forth below.

Issued on: November 11, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart E—Disposition of Federal Funds Previously Committed to an Interstate Segment Withdrawn Under the Provisions of 23 U.S.C. 103(e)(2) and 103(e)(4)

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AUTHORITY: 23 U.S.C. 103(e)(2) and 103(e)(4), delegation of authority in 49 CFR 1.48(b) and 1.51(f).

Subpart E—Disposition of Federal Funds Previously Committed to an Interstate Segment Withdrawn Under the Provisions of 23 U.S.C. 103(e)(2) and 103(e)(4)

§ 476.400 Purpose.

The purpose of the regulations in this subpart is to prescribe the disposition of Federal-aid Interstate highway funds obligated and expended upon Interstate segments that are withdrawn under Subparts C and D of the regulations in this Part.

§ 476.402 Definitions.

The following terms, when used in the regulations in this subpart have the following meaning:

"Construction engineering" means the work of supervising construction activities, inspection of construction and related mechanical aspects, such as staking, testing of materials, checking of shop drawings and making measurements for and preparation of progress and final estimates.

"Construction items and materials" means any physical assets located on a withdrawn segment as a result of a project which was financed with Federal-aid Interstate highway funds. The term also means, where the context requires, any fabricated or produced materials which were listed in the contract (including approved contract modifications) for such a project, or any substance contractually specified for use in the construction of the project.

"Incidental right-of-way acquisition costs" means any expenditure of a type normal to the operation of the State highway department and incident to the acquisition of rights-of-way, either by negotiation or condemnation, such as but not limited to those made for surveys, plats, appraisals, appraisal review, abstracts of title, title certificates, title insurance, closing and escrow services, court costs and disbursements, witness fees, recording fees, advertising, economic studies, salaries, fees and travel expenses of field representatives of the State, county, or city while engaged in right-of-way acquisition work and of attorneys engaged in condemnation activities, and the cost of demolition.

"Preliminary engineering costs" means all work necessary for or expedient to the preparation of plans, specifications, and estimates in advance of construction operations.

"Public sale" means to offer for sale to the general public, either by sealed bid, public auction, or other methods whereby the general public is given an opportunity to purchase under open, competitive conditions.

"Relocation assistance costs" means the costs normally incurred in relocating displaced persons, businesses, farms and nonprofit organizations from real property acquired for a highway project. Such costs include those for: moving personal property, direct losses of tangible personal property, searching for replacement businesses or farms, payments in lieu of moving costs, replacement housing payments to owners and renters, downpayments, increased interest, incidental expenses, providing advisory services, administrative costs directly chargeable to the highway project, last resort housing, and any other relocating costs in which Federal funds may legally participate.

§ 476.404 Federal funds available for projects under 23 U.S.C. 103(e)(2) and 103(e)(4).

Federal funds may be made available for projects approved under 23 U.S.C. 103(e)(2) and 103(e)(4) in an amount equal to the Federal share of the cost which would have been paid for the withdrawn Interstate segment as that cost is included in the 1972 Interstate System Cost Estimate, increased or decreased, as the case may be, as determined by the Federal Highway Administrator, based on changes in construction costs of such segment as of the date of withdrawal of approval and in accordance with that design of the segment which is the basis of the 1972 Cost Estimate.

§ 476.406 Availability of Federal funds obligated on or after January 1, 1971.

(a) A State shall repay to the Federal Government all payments received from Federal-aid Interstate highway funds which were obligated on or after January 1, 1971, for costs incurred on withdrawn Interstate segments. Repayment shall be as prescribed in § 476.414.

(b) Where real property acquired for right-of-way or a portion thereof is utilized on another Federal-aid system, the amount of repayment shall be the difference between the Federal share of the costs incurred pursuant to Federal obligations of record on or after January 1, 1971, for real property acquired for right-of-way, and the Federal share of the cost which would have been paid on the other Federal-aid system, except where the Federal Highway Administrator gives prior approval for a determination on some other basis.

(c) Where any construction items and materials are utilized on another Federal-aid system, the amount of repayment shall be the difference between the Federal share of the costs incurred pursuant to Federal obligations on record on or after January 1, 1971, for construction items and materials and the Federal share of the cost which would have been paid on the other Federal-aid system, except where the Federal Highway Administrator gives prior approval for a determination on some other basis.

(d) Federal-aid Interstate funds which were, on or after January 1, 1971, obligated on withdrawn Interstate segments, may be released from obligation to the extent that no payments have been made to the State.

§ 476.408 Repayment of Federal funds obligated before January 1, 1971.

All Federal-aid Interstate highway funds paid to the State for costs incurred on projects that were obligated before January 1, 1971, shall be repaid in accordance with the provisions of §§ 476.410 and 476.412, except:

(a) Preliminary engineering costs;

(b) Relocation assistance costs;

(c) Incidental right-of-way acquisition costs; and

(d) Construction engineering costs.

§ 476.410 Determination of project costs to be repaid on obligations incurred before January 1, 1971, for real property acquired for right-of-way.

(a) Except where the Federal Highway Administrator gives prior approval for a determination on some other basis, the amount of repayment of project costs on obligations incurred before January 1, 1971, for real property acquired for right-of-way shall be determined at the State's discretion in accordance with the following provisions:

(1) The Federal pro-rata share of the proceeds of a public sale of the real property acquired for right-of-way; or

(2) The Federal pro-rata share of the fair market value of the right-of-way as determined by an appraisal meeting the requirements of 23 CFR 720.200–720.204; or

(3) The reimbursed Federal share of the original purchase price of the real property acquired for right-of-way.

(b) When real property acquired for right-of-way or a portion thereof is

utilized on another Federal-aid system, the amount of repayment shall be the difference between the Federal share of costs incurred pursuant to Federal obligations of record as of January 1, 1971, for real property acquired for right-of-way, and the Federal share of the cost which would have been paid on the other Federal-aid system, except where the Federal Highway Administrator gives prior approval for a determination on some other basis.

(c) Where real property acquired for right-of-way or a portion thereof is utilized for a highway which is not on the Federal-aid highway system the Federal share of total value of such real property shall be determined as provided under § 476.410(a)(2) or (3) and repaid as provided under § 476.414, except where the Federal Highway Administrator gives prior approval for a determination on some other basis.

(d) The following costs incurred in the disposition of real property acquired for right-of-way may be deducted from the proceeds of a public sale where paragraph (a)(1) of this section is used to determine the amount of repayment for these costs:

(1) Costs of making sale and transferring title;

(2) Costs of demolition of remaining buildings, where demolition can reasonably be expected to increase the value of the property by an amount in excess of the cost of demolition.

(e) Where paragraph (a)(2) of this section is used to determine the amount of repayment, the cost of making appraisals may be deducted in determining the amount to be repaid.

§ 476.412 Determination of project costs to be repaid on obligations incurred before January 1, 1971, for construction items and materials costs.

(a) Except where the Federal Highway Administrator gives approval for a determination on some other basis, the amount of repayment on project costs on obligations incurred before January 1, 1971, for construction items and materials shall be determined at the State's discretion in accordance with the following provisions:

(1) The Federal pro-rata share of the proceeds from the public sale of construction items and materials; or

(2) The reimbursed Federal share of the original costs of the construction items and materials.

(b) Where any construction items and materials are utilized on another Federal-aid system, the amount of repayment shall be the difference between the Federal share of costs incurred pursuant to Federal obligations of record as of January 1, 1971, for construction items and materials and the Federal share of the cost which would have been paid on the other Federal-aid system, except where the Federal Highway Administrator gives prior approval for a determination on some other basis.

(c) Where any construction items and materials are utilized for a highway which is not a Federal-aid system, the Federal share of the total value of such work shall be determined as provided under § 476.412(a)(2) and repaid as prowork shall be determined as provided un-Federal Highway Administrator gives prior approval for a determination on some other basis.

§ 476.414 Form of repayment of expended funds.

Repayments required under this subpart may be accomplished at the State's discretion by:

(a) Cash payment;

(b) A reduction from scheduled Federal-aid progress payments under terms and conditions agreed to by the State and the Federal Highway Administrator;

(c) A reduction from Federal funds available under § 476.404 by the amount required to be repaid; or

(d) Any combination of paragraphs (a), (b) and (c) of this section.

§ 476.416 Disposition of property.

(a) The disposition of right-of-way and construction items and materials subject to the provisions of this subpart may begin when:

(1) The Federal Highway Administrator approves the withdrawal of the Interstate segment under Subparts C and D of these regulations; and

(2) The Federal Highway Administrator has approved a method for determining the amount of repayment proposed by the State. The method must be submitted within one year after the withdrawal is approved.

(b) Where the State fails to propose a method for determining the amount of payback within one year after the withdrawal is approved, or where the State fails to propose an acceptable method within 24 months after the withdrawal is approved, the Federal Highway Administrator will determine the amounts of repayment in accordance with § 476.410(a)(3) or § 476.412(a)(2), or both, and the State may dispose of the real property and construction items and materials in any manner it desires.

§ 476.418 Negotiation of repayment in special cases.

To the extent that real property acquired for right-of-way and construction items and materials can be used on a substitute mass transit project, the amount of project costs to be repaid for obligations incurred before January 1, 1971, will be determined by negotiation between the State and the Federal Highway Administrator, with the concurrence of the Urban Mass Transportation Administrator.

[FR Doc.75-31001 Filed 11-14-75;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 38—Pensions, Bonuses, and Veterans' Relief-------- $7.10

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
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