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highlights

PART I:

FOSTER GRANDPARENTS AND SENIOR COMPANIONS
ACTION revises income eligibility level requirements; effective 1-23-76 59473

MEDICARE HOSPITAL INSURANCE
HEW announces monthly premium rate for the uninsured aged for period beginning 7-1-76 59472

RADIOLOGICAL EMERGENCIES
GSA outlines responsibilities of various Federal agencies for planning for incidents involving radioactive materials 59494

BANKS
Treasury/Comptroller proposes revised assessment schedule for national and D.C. banks; comments by 1-10-76 59446

CONTINUED INSIDE

PART II:

VINYL CHLORIDE
EPA proposes national emission standard; comments by 2-23-76 59531

PART III:

JOINTLY FUNDED ASSISTANCE
GSA proposes requirements for Federal agencies providing jointly funded assistance to State and local governments and private, nonprofit organizations; comments by 1-26-76 59553

PART IV:

DRINKING WATER
EPA establishes national interim standards; effective 6-24-77 59566
EPA issues special monitoring regulations for organic chemicals 59587

SAVINGS AND LOAN ASSOCIATIONS

FHLBB clarifies classification of investments for purposes of insurance of accounts; effective 12–24–75 59424

COTTON AND MAN MADE FIBER TEXTILES

CITA establishes import levels for products from the Republic of China; effective 1–1–76 59475

BRUCELLOSIS

USDA/APHIS quarantines State of Texas; effective 1–1–76 59421

AMATEUR RADIO LICENSES

FCC simplifies renewal procedures; effective 12–24–75 59441

FCC proposes changes in renewal procedures and in licenses; comments by 1–22–76 59453

FOOD ADDITIVES

EPA receives petition for use of O-ethyl O-[4-(methylthio) phenyl] S-propyl phosphorodithioate and xylene mixture 59478

TAKING OF MARINE MAMMALS

Interior/FWS issues regulations for waivers of moratorium; effective 1–23–75 59442

Interior/FWS announces conditional waiver of moratorium for Pacific walrus 59459

CONTROL OF MEADOW VOLES

EPA grants emergency exemption to Vermont for use of diphacinone formulation 59478

FEDERAL INFORMATION PROCESSING

Commerce/NBS proposes standard for computer output microform formats and reduction ratios; comments by 3–23–76 59463

FARM CREDIT

Farm Credit Administration proposes to modify restrictions on thrift plans and on collateral for intermediate credit bank discounts and loans; comments by 1–23–75 59450

RURAL HOUSING

USDA/FmHA proposes to amend definitions involving loans and grants and State mortgage insurance programs; comments by 1–23–76 59447

MOTOR CARRIERS CERTIFICATES

ICC proposes changes in standards for registration with States; comments by 2–9–75 59453

APPEARANCES BEFORE SBA

SBA interprets advertising by representatives using the name "SBA" as good cause for suspension or revocation of privilege; effective 12–24–75 59425

SOLAR ENERGY RESEARCH INSTITUTE

ERDA issues policy statement on site selection 59513

MEETINGS—

HEW/ADAMHA: Clinical Psychopharmacology Research Review Committee, 1–12 and 1–13–76; Preclinical Psychopharmacology Research Review Committee, 1–12 and 1–13–76 59470

FDA: Advisory Committees, 1–12, 1–13, 1–19, 1–29, and 1–30–76 59470

OE: National Advisory Council on Adult Education, 1–22 through 1–24–75 59471

Labor/OSHA: Advisory Committee on Construction Safety and Health, 1–21 and 1–22–76 59502

EPA: National Air Quality Criteria Advisory Committee of the Science Advisory Board, 1–22–76 59478

Interior/BLM: Wyoming State Multiple Use Advisory Board, 1–15 and 1–16–76 59459

Federal Prevailing Rate Advisory Committee, 1–8, 1–15, 1–22, and 1–29–76 59493

DOD: Defense Advisory Committee on Women in the Services, 2–6–76 59455

ARBA: American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial, 1–8 and 1–9–76 59473

Commerce/DIBA: Semiconductor Technical Advisory Committee, 1–28–76 59461

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Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee, 1–27–76 59462
President's Commission on White House Fellowships, 1–23–76 59498
State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 1–28–76 59455
FCC: Common Carrier Radio Relay Advisory Committee, 1–15–76 59480
Joint Industry/Government Committee working groups, 1977 World Administrative Radio Conference, 1–13, 1–14, 1–16, and 1–21–76 59481
Broadcast Service working groups, 1979 World Administrative Radio Conference, 1–13, 1–14, 1–19, 1–27–76 59480
Broadcast Bureau Service working groups, 1979 World Administrative Radio Conference, 1–12–76 59480
World Administrative Radio Conference Advisory Committee for Citizens Radio Service, 1–13 and 1–14–76 59481
Office of Special Representative for Trade Negotiations: Advisory Committee for Trade Negotiations, 1–8–76 59498
Justice/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 1–20 and 1–21–76 59458
NRC: Advisory Committee on Reactor Safeguards, 1–8 through 1–10–76 59496

POSTPONED MEETING—
Interior/BLM: Boise District Advisory Board 59458

contents

ACTION
Notices
Foster grandparent and senior companion programs; income eligibility levels; schedules 59473

AGRICULTURAL MARKETING SERVICE
Rules
Oranges (Navel) grown in Arizona and California 59444

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meetings:
Advisory Committees 59470

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Meetings:
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee 59473

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Quarantined areas; plant pest regulations; etc.:
Brucellosis 59421

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and consent judgments, U.S. versus listed companies:
DeBeers Industrial Diamond Division Limited, et al 59455

CIVIL AERONAUTICS BOARD
Rules
Environmental impact statements:
Filing of environmental evaluations by applicants 59425
Notices
Hearings, etc.:
Flying Tiger Line Inc 59473
United Air Lines, Inc 59474
Western Air Lines, Inc 59474

COMMERCE DEPARTMENT
See Domestic and International Business Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMPTROLLER OF THE CURRENCY
Proposed Rules
Fees for National Banks and District of Columbia Banks; assessment 59446

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Flammable fabrics; enforcement proceeding and prehearing conference 59476

DEFENSE DEPARTMENT
Notices
Meetings:
Women in the Services Advisory Committee 59455

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Semiconductor Technical Advisory Committee 59461
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee 59462

DRUG ENFORCEMENT ADMINISTRATION
Notices
Registration, actions affecting:
Jacobson, Max, M.D 59457

EDUCATION OFFICE
Proposed Rules
Upward bound program; correction 59447
Special services for disadvantaged students; correction 59447
Notices
Meetings:
National Advisory Council on Adult Education 59471

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Solar Energy Research Institute; policy relating to establishment 59513

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality; implementation plans:
North Dakota 59438
National interim drinking water regulations and special monitoring regulations for organic chemicals (2 documents) 59566, 59587
Effluent guidelines and standards:
Ore mining and dressing point source; extension of comment period 59438
Proposed Rules
Air quality:
National emission standards for hazardous pollutants 59531
Effluent guidelines and standards:
Ore mining and dressing point source; extension of comment period 59450
Notices
Air quality standards:
Addition of hazardous air pollutants to list 59477

Food additive tolerance petitions:
Chemagro Agricultural Division 59478
Pesticides, specific exemptions and experimental use permits:
Vermont Department of Agriculture; diphacinone 59478
Meetings:
National Air Quality Criteria Advisory Committee 59478

FARM CREDIT ADMINISTRATION
Proposed Rules
Personnel administration and loan policy and operations 59450

FARMERS HOME ADMINISTRATION
Proposed Rules
State mortgage insurance programs; rural housing loans and grants 59447

FEDERAL AVIATION ADMINISTRATION
Proposed Rules
Aircraft noise; reduction stages and accoustical change requirements for subsonic transport category large airplanes and turbojet powered planes; extension of comment period 59447
Control zone (2 documents) 59448
Restricted areas 59448

FEDERAL COMMUNICATIONS COMMISSION
Rules
Amateur Radio Service; renewal of licenses 59441
Freedom of information; editorial amendments 59439
Radio broadcast services; table of assignments:
Arizona 59440
California 59440
Proposed Rules
FM broadcast stations; table of assignments:
Maryland 59451
Michigan 59452
Amateur Radio Service; renewal and modification of licenses 59453
Notices
Meetings:
Broadcast Bureau Service Groups for the 1979 World Administrative Radio Conference (2 documents) 59480
Common Carrier Radio Relay Advisory Committee 59480
Joint Industry/Government Committee 59481
World Administrative Radio Conference Advisory for the Citizens Radio Service 59481
Cable television annual reporting form; extension of due date 59480
Radio Technical Commission for Aeronautics; assumption of sponsorship by FAA 59481
Communications common carriers:
Domestic public radio services applications accepted for filing 59479

FEDERAL CROP INSURANCE CORPORATION
Notices
Crop applications; extension of closing dates:
Cotton 59461
Rice 59461

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Alaska 59472

FEDERAL HOME LOAN BANK BOARD
Rules
Federal home loan bank system:
Classification of investments; clarifying amendments 59424
Organization; channeling of functions 59422
Notices
Applications, etc.:
First Federal Savings and Loan Association of Fresno, California 59481
Prudential Federal Savings and Loan 59481
Standard Federal Savings and Loan 59482

FEDERAL INSURANCE ADMINISTRATION
Rules
Special hazard areas 59427

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
North Atlantic Discussion Agreement 59482
Freight forwarder licenses:
Seaport Shipping Co., Inc 59482

FEDERAL POWER COMMISSION
Notices
Algonquin Gas Transmission Co. 59482
Ashland Oil, Inc 59482
Bangor Hydro-Electric Co 59483
Boston Edison Co 59484
City of Tacoma, Washington 59484
Duke Power Co. (5 documents) 59484, 59485, 59491
Granite States Gas Transmission Inc 59486
Hartford Electric Light Co 59486
Illinois Power Co 59486
Independent Oil and Gas Assoc. of West Virginia 59486
Iowa Power and Light Co 59491
Kansas City Power & Light Co. (2 documents) 59492
McCulloch Interstate Gas Corp. 59487
Mississippi River Transmission Corp 59487
Natural Gas Pipeline Co. of America 59487
North Penn Gas Co 59487
Southern Services, Inc 59492
Transcontinental Gas Pipe Line Corp 59488
United Gas Pipe Line Co 59489
Utah Power & Light Co 59492
Wisconsin Power and Light Co 59493
Wisconsin Electric Power Co 59489

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
Notices
Meetings 59493

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Lustine Chevrolet, Inc. et al 59426

FISH AND WILDLIFE SERVICE
Rules
Marine mammals:
Waiver of moratorium; State laws and regulations 59442
Public access, use and recreation:
Petit Manan National Wildlife Refuge; Maine 59444
Notices
Marine mammals: waiver of moratorium; walrus 59459

FOOD AND DRUG ADMINISTRATION
Notices
Meetings:
Advisory committees, panels, etc 59470

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc 59493

GENERAL SERVICES ADMINISTRATION
Rules
Property management; mistakes in bids; dollar limitation increase 59439
Proposed Rules
Jointly funded assistance to State and local governments and private, nonprofit organizations; uniform administrative requirements 59553
Notices
Radiological incident; emergency response planning; interagency responsibilities 59494

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Education Office.
Notices
Hospital insurance; premium rate for the uninsured aged 59472

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See Federal Disaster Assistance Administration; Federal Insurance Administration.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Union Pacific Railroad Co 59441

Proposed Rules

State registration 59453

Notices

Fourth section application for relief 59503
Hearing assignments 59503
Motor carrier, broker, water carrier and freight forwarder applications 59504
Motor carriers:
Transfer proceedings 59504

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
Hobbs Bros. Coal Co., Inc. and Mary E Coal Co., Inc 59495

JUSTICE DEPARTMENT

See Antitrust Division; Justice Department; Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Meetings:
Boise District Advisory Board 59458
Withdrawal and reservation of lands, proposed, etc.:
Arizona 59458
Meetings:
Wyoming State Multiple Use Advisory Board 59459

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
National Advisory Committee on Criminal Justice Standards and Goals 59458

NATIONAL BUREAU OF STANDARDS

Notices

Federal information processing standard; computer output microform formats and reduction ratios 59463

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permit applications, etc.:
The United Fishermen of Alaska 59470
Van Donwen's Seals 59470

NATIONAL SCIENCE FOUNDATION

Notices

Ad Hoc Advisory Committee on the Sacramento Peak Observatory; establishment 59495

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Arizona Public Service Co., et al. 59496
Meetings:
Advisory Committe on Reactor Safeguards 59497
Mixed oxide fuel; scope, procedures and schedule for generic environmental impact statement and criteria for interim licensing actions 59495
Applications, etc.:
Natural Resources Defense Council, Inc 59498

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Meetings:
Advisory Committee on Construction Safety and Health 59502

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Notices

Meeting 59498

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc. 59499
Chicago Board Options Exchange, Inc 59499
Options Clearing Corp 59500
Hearings, etc.:
Generics Corp. of America 59499
Saber Corp 59499

SMALL BUSINESS ADMINISTRATION

Rules

Appearances and compensation of persons appearing before SBA 59425

Notices

Applications, etc.:
S. C. Opportunities, Inc 59502
Disaster areas:
Massachusetts 59501
North Carolina 59501
Oklahoma 59502

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Notices

Meetings:
Advisory Committee for Trade Negotiations 59498

STATE DEPARTMENT

Notices

Meetings:
Shipping Coordinating Committee 59455

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton textiles:
Republic of China 59475

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Comptroller of the Treasury.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

907 59444

PROPOSED RULES:

1822 59447

9 CFR

78 59421

12 CFR

500 59422
523 59424
561 59424

PROPOSED RULES:

8 59446
612 59450
614 59450

13 CFR

103 59425

14 CFR

312 59425

PROPOSED RULES:

36 59447
71 (3 documents) 59448
73 59448

16 CFR

13 59426

24 CFR

1915 59427

34 CFR

PROPOSED RULES:

259 59554

40 CFR

40 59438
52 59438
141 (2 documents) 59566, 59587

PROPOSED RULES:

40 59450
61 59532

41 CFR

101–45 59439

45 CFR

PROPOSED RULES:

155 59447
157 59447

47 CFR

0 59439
73 (2 documents) 59440
97 59441

PROPOSED RULES:

73 (2 documents) 59451, 59452
97 59453

49 CFR

1033 59441

PROPOSED RULES:

1023 59453

50 CFR

18 59442
28 59444

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Chapter I 55633
420 59313
425 ..... 56651, 59187
430 59314
431 59316

3 CFR

EXECUTIVE ORDERS:

2553 (Revoked by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
8877 (Revoked in part by PLO 5558) 59205
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR

412 58281

5 CFR

213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

6 CFR

703 59188
704 59334

7 CFR

1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 67641, 58127, 58649, 59189, 59444
910 ..... 57777, 58845
912 57641
913 58650
932 59318
959 57209
982 55829
984 57351
1060 58846
1063 58447
1250 59190
1405 58448
1421 56423
1464 ..... 57209, 57777
Ch. XVIII 59194
1842 57643
1865 57642
1930 57643

7 CFR—Continued

PROPOSED RULES:

622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
959 58656
993 58863
999 57368
1060 ..... 56674, 59353
1061 59353
1063 56674
1068 59353
1069 59353
1076 59353
1822 ..... 58151, 58657, 59447
1824 59214
1901 59214

8 CFR

100 58448
103 58448
238 58448
316a 58448

9 CFR

78 ..... 58281, 59421
91 59318
113 ..... 57806, 58626
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808

PROPOSED RULES:

91 56675
445 59306
447 59306

10 CFR

20 58847
50 58847
212 57439
213 59195

RULINGS:

1975–18 55860

12 CFR

1 59318
7 56883
217 57663
220 59322
221 59322
225 55634
226 55634
265 55635
303 ..... 58128, 59322
327 57209
329 ..... 57664, 57778, 58848
500 59422
522 57442
523 59424
526 57665
545 ..... 57665, 67781, 58848, 59196
546 59322
555 57781
561 59424
563 ..... 57665, 59323
571 57783

12 CFR—Continued

PROPOSED RULES:

8 59446
225 58866
556 57690
571 57690
612 59450
614 59450

13 CFR

103 59425
107 59197
117 57351

PROPOSED RULES:

120 57602
121 ..... 55860, 55868

14 CFR

39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199
75 ..... 55830, 56884, 58850
97 ..... 57204, 57666, 58625
103 ..... 57667, 58850
121 57444
123 57444
135 57444
240 58850
288 ..... 56652, 58449
312 59425

PROPOSED RULES:

25 59354
36 59447
37 57222
39 ..... 57811, 59221
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222, 59448
73 59448
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR

369 59333
370 59334
372 ..... 59333, 59334
375 59325
378 59334

15 CFR—Continued
379 ..... 56424, 59334
385 59334
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426
302 56659
433 58131
1115 58449
1512 57449
1602 56885
PROPOSED RULES:
443 58867
1700 58865

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835, 58851, 59339
211 59339
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
155 58660
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR
2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR
4 ..... 55837, 58852
141 57796
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
1 59212
141 56674
142 ..... 56674, 58150
143 56674
152 58859
158 58150
159 56674
177 58470
201 56936

20 CFR
405 56659
410 56886
618 57766
PROPOSED RULES:
405 56458
625 56931

21 CFR
1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209, 58852
123 ..... 56425, 58287

21 CFR—Continued
200 58799
201 58799
202 58799
369 58288
430 57796
436 57797
440 58288
444 57798
522 59342
529 57454
540 55849
546 ..... 57455, 58633
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210
PROPOSED RULES:
1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR
602 56661

23 CFR
230 57358
260 58633
450 57799
630 ..... 55639, 57799
712 55643
PROPOSED RULES:
750 58312

24 CFR
200 58637
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
280 58752
1710 56907
1912 57210
1914 ..... 56670, 57803, 59342, 59344
1915 ..... 56672, 56910, 59427
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670, 59199–59203
2205 58450

24 CFR—Continued
PROPOSED RULES:
1710 56919
1917 ..... 56459, 59225, 59226

25 CFR
233 58135
PROPOSED RULES:
178 57694

26 CFR
1 ..... 55849, 58138, 58637
8 58852
24 58852
301 55849
PROPOSED RULES:
1 ..... 56448, 57364, 57462, 58471, 58656, 58860
20 58860

27 CFR
6 55856
194 56887
PROPOSED RULES:
178 59207
181 59207

28 CFR
0 ..... 58643, 58644
20 59204
PROPOSED RULES:
19 56453
42 56454

29 CFR
97 58854
204 58855
402 58856
403 58856
408 58856
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 ..... 57455, 58450, 59345
1953 57804
2602 57457
PROPOSED RULES:
40 57332
60 58664
723 58867
724 58867
725 58867
1910 ..... 55866, 55867, 58457, 58458
1952 59355
2610 57982
2611 57980

30 CFR
PROPOSED RULES:
250 58862

31 CFR
316 59292

31 CFR—Continued
332 ... 59300

32 CFR
577 ... 58290
650 ... 55962

33 CFR
Ch. I ... 58143
128 ... 56430
207 ... 57358
PROPOSED RULES:
117 ... 57222, 59219
214 ... 59212

34 CFR
PROPOSED RULES:
Ch. I ... 56459
259 ... 59554

35 CFR
5 ... 58290, 58292

36 CFR
7 ... 56888
PROPOSED RULES:
2 ... 57694
50 ... 58651

37 CFR
1 ... 37358
2 ... 37358

38 CFR
1 ... 56433, 56644
3 ... 56434, 57459, 59346
17 ... 57805
PROPOSED RULES:
3 ... 56936

39 CFR
Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670
PROPOSED RULES:
111 ... 57223

40 CFR
35 ... 58602
40 ... 59438
52 ... 56888–56890, 57359, 59204, 59438
55 ... 56644
60 ... 58416, 59204
61 ... 58646
85 ... 58646
86 ... 58646
141 ... 59566, 59587
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648
407 ... 57216
408 ... 55770
414 ... 56435, 56436
PROPOSED RULES:
6 ... 55868
40 ... 59450
51 ... 58317
52 ... 58317, 58319, 58663
61 ... 59532
85 ... 56932

40 CFR—Continued
PROPOSED RULES—Continued
124 ... 56932
125 ... 56932
180 ... 58321
407 ... 57223

41 CFR
6–1 ... 58452
6–2 ... 58453
6–3 ... 58453
14–1 ... 57670, 57671
50–201 ... 57805
101–26 ... 57216
101–45 ... 59439
105–61 ... 56892
114–43 ... 55857
114–60 ... 55858

42 CFR
51c ... 59346
57 ... 56674
PROPOSED RULES:
2a ... 56692

43 CFR
2 ... 57671
20 ... 58295
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) ... 58144
715 (Revoked in part by PLO 5565) ... 59347
1245 (Revoked in part by PLO 5552) ... 58144
2214 (Revoked in part by PLO 5565) ... 59347
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5554 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144
5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5550 (Revoked in part by PLO 5566) ... 59347
5551 ... 58144
5552 ... 58144
5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5558 ... 59205
5559 ... 58453
5560 ... 58648
5565 ... 59347
5566 ... 59347
5567 ... 59347
PROPOSED RULES:
2600 ... 57364

45 CFR
102 ... 57760
160c ... 57926
223 ... 58453
233 ... 57359
302 ... 57672
410 ... 58956
1013 ... 55859
1061 ... 58649
1222 ... 57217
1370 ... 58956
1603 ... 59351
PROPOSED RULES:
100a ... 58459
100c ... 58459
115 ... 57042
154 ... 59218
155 ... 58400, 59447
157 ... 58405, 59447
159 ... 58409
160d ... 55659
162 ... 56678
174 ... 58459
233 ... 59353
1223 ... 58659
1369 ... 59408

46 CFR
4 ... 58306
5 ... 57672, 58306
12 ... 57673
14 ... 58306
33 ... 58454
42 ... 57218
75 ... 58454
78 ... 58454
94 ... 58454
97 ... 58454
142 ... 58454
167 ... 58454
176 ... 58454
192 ... 58455
310 ... 55643, 59348
401 ... 57673
551 ... 58146
PROPOSED RULES:
Ch. I ... 57688
10 ... 55663
32 ... 59219
78 ... 58457
92 ... 59219
105 ... 59219
190 ... 59219
503 ... 58154

47 CFR
0 ... 57359, 58306, 58858, 59439
1 ... 55644
2 ... 57674
73 ... 55644, 57360, 58147, 58853, 59440
76 ... 57361
81 ... 57675
83 ... 57675
87 ... 57675
89 ... 58147
91 ... 57682, 57684, 58306, 58455
93 ... 58147
95 ... 58148
97 ... 58148, 59441
PROPOSED RULES:
73 ... 58467, 59451, 59452
76 ... 55868, 58866

47 CFR—Continued

PROPOSED RULES—Continued

81 58322
83 58322
89 57369
91 57369
97 59453

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
174 57433
310 55645
391 58858
571 ..... 56667, 56898, 57687, 59349
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433, 59441
1125 57639

PROPOSED RULES:

393 57369
557 56926

49 CFR—Continued

PROPOSED RULES—Continued

567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153, 59222
579 56930
1023 59453
1108 57465

50 CFR

17 58307
18 59442
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 59444
33 ..... 55860, 56446, 57363, 58149, 58649, 59349
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*	*Pages*	*Date*
55633–55828	1	57775–58126	12
55829–56420	2	58127–58278	15
56421–56649	3	58279–58420	16
56651–56882	4	58421–58621	17
56883–57193	5	56823–58844	18
57195–57349	8	58845–59185	19
57351–57432	9	59187–59311	22
57433–57639	10	59313–59419	23
57641–57773	11	59421–59588	24

reminders

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

Rules Going Into Effect Today

NOTE: There were no items that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Canned sweetpotatoes; standards for grades; comments by 12–31–75. 48949; 10–20–75

Imported inshell walnuts; quality requirements; comments by 12–31–75 ..... 57368; 12–9–75

Animal and Plant Health Inspection Service—

Horses; importation restrictions; comments by 12–30–75 ..... 54802; 11–26–75

Soil Conservation Service—

Review of watershed plans and environmental impact statements; comments by 1–2–76 ..... 56457; 12–3–75

FEDERAL COMMUNICATIONS COMMISSION

AM, FM and TV stations; program logs; comments by 12–15–75; reply comments by 12–31–75 ..... 51482; 11–5–75

Radiation patterns; design and measurement of radiation; comments by 12–29–75 ..... 54826; 11–26–75

TV broadcast stations, Calif., table of assignments; comments by 12–31–75 ..... 53596; 11–19–75

GENERAL SERVICES ADMINISTRATION

Use of Federal real property by non-Federal activities; comments by 12–31–75 ..... 54013; 11–20–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

Peanut spreads; common or usual name; comments by 1–2–76. 51052; 11–3–75

Office of Education—

Career education program; comments by 12–31–75 ..... 55659; 12–1–75

Social Security Administration—

Federal health insurance for the aged and disabled; comments by 1–2–76 ..... 56458; 12–3–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Interstate Land Sales Registration—

Land registration; State filings; comments by 1–6–76 ..... 56919; 12–5–75

INTERIOR DEPARTMENT

Land Management Bureau—

Special Land Use Permits; administration; comments by 12–31–75. 54802; 11–26–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

Implementation of the National Environmental policy act; comments by 1–2–76 ..... 56454; 12–3–75

SMALL BUSINESS ADMINISTRATION

Number of employees; definition of term; comments by 1–2–76 ..... 55868; 12–2–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Establishment of VOR Federal airway from Menominee to Rhinelander, Wis.; comments by 12–2–76. 55866; 12–2–75

Celina, Ohio; alteration of transition area; comments by 12–31–75. 55664; 12–1–75

Coshocton, Ohio; alteration of transition area; comments by 12–31–75 ..... 55664; 12–1–75

Southport, N.C.; designation of transition area; comments by 12–31–75. 55664; 12–1–75

Sylacauga, Alabama; designation of transition area; comments by 12–31–75 ..... 55665; 12–1–75

Ripley, Mississippi; designation of transition area; comments by 12–31–75 ..... 55665; 12–1–75

Motor vehicle safety standards; anthropomorphic test dummies; comments by 12–30–75 ..... 51059; 11–3–75

TREASURY DEPARTMENT

Internal Revenue Service—

Arbitrage bonds; comments by 1–2–76 ..... 56448; 12–3–75

Employees of organizations under common control; comments by 1–4–76 ..... 51467; 11–5–75

Next Week's Meetings

Department of Defense Wage Committee; to be held at Washington, D.C. (closed) 12–30–75. 52421; 11–10–75

TREASURY DEPARTMENT

Advisory Committee on Reform of the International Monetary System, to be held in Washington, D.C.; 12–30–75 (rescheduled) 58158; 12–15–75

List of Public Laws

S. 1800 ..... Pub. Law 94–158
Arts and Artifacts Indemnity Act
(Dec. 20, 1975; 89 Stat. 844)

H.R. 8069 Department of Labor and Health, Education, and Welfare Appropriation Act, 1976. Message dated Dec. 19, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 51.

H.R. 2724 ..... Pub. Law 94–160
An act to provide for establishment of the Father Marquette National Memorial near Saint Ignace, Michigan, and for other purposes
(Dec. 20, 1975; 89 Stat. 848)

H.R. 9005 ..... Pub. Law 94–161
International Development and Food Assistance Act of 1975
(Dec. 20, 1975; 89 Stat. 849)

H.R. 9883 ..... Pub. Law 94–162
An act to amend the Joint Resolution approved December 28, 1973, providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac, and for other purposes
(Dec. 20, 1975; 89 Stat. 870)

H.J. Res. 733 ..... Pub. Law 94–159
Joint resolution making further continuing appropriations for the fiscal year 1976, and for other purposes
(Dec. 20, 1975; 89 Stat. 847)

S. 622 ..... Pub. Law 94–163
Energy Policy and Conservation Act
(Dec. 22, 1975; 89 Stat. 871)

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 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Quarantine Areas

● **Purpose. The purposes of these amendments to Part 78 are: (1) to add a new section for Quarantined Areas, and (2) to add a new section and amend certain definitions in order to provide for the movement of cattle from Quarantined Areas.** ●

Statement of considerations. Great progress has been made in the Cooperative State-Federal Brucellosis Eradication Program in recent years. Because of the failure on part of the State of Texas to comply with the Uniform Methods and Rules for the eradication of brucellosis and because of the high incidence of brucellosis infection that exists in that State, and because measures in effect in that State to eradicate brucellosis are not deemed adequate to prevent the interstate spread of that disease it has been determined that the interstate movement of cattle from Texas without further restrictions constitutes a threat to the livestock of the United States. Therefore, the entire State of Texas is quarantined to prevent the interstate spread of brucellosis from that State. A new § 78.22a is added to the regulations quarantining the State of Texas and a new § 78.12a is added prohibiting the movement of cattle from quarantined areas other than in accordance with restrictions deemed necessary to prevent the interstate spread of the disease.

Definitions of "Qualified Herds" and "Herds of Unknown Status" are amended, and a new definition of "Quarantined Areas" is added, to reflect the changes and to clarify the regulations. Further, in order to conform the existing regulations to the amendments, all references to Texas in §§ 78.20, 78.21, and 78.22 are deleted.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 78.1, paragraphs (o) and (aa) are revised and a new paragraph (ee) is added to read:

§ 78.1 **Definitions.**

* * * * *

(o) *Qualified herd.* Any herd as defined in paragraphs (a) (1) or (2) of this section.

(1) *Qualified herd in a noncertified area.* Any herd of cattle in a noncertified area which is not known to be affected with brucellosis and for which the State has records showing that the herd has been tested for brucellosis in accordance with the procedures for herd tests for initial Modified Certified Brucellosis Area status specified in the Uniform Methods and Rules, chapter I, part V–A, within 12 months prior to interstate movement of any cattle from such herd.

(2) *Qualified herd in a quarantined area.* Any herd of cattle in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd and the second official test not more than 120 days prior to the date of such classification and such tests shall be performed not less than 90 days nor more than 150 days apart. In order to remain a qualified herd a herd shall be subjected to successive requalifying official tests and found negative. Each such requalifying test shall be conducted not more than 120 days from the date of the immediately preceding official test. All cattle added to a qualified herd must have been included in the preceding two official tests to qualify as cattle from the qualified herd.

* * * * *

(aa) *Herd of unknown status.* Any herd as defined in paragraphs (aa) (1) or (2) of this section.

(1) *Herd of unknown status in a noncertified area.* A herd of cattle in a noncertified area which has not been tested for brucellosis in accordance with the procedure for herd tests for initial modified certified area certification specified in chapter 1, part V–A of the Uniform Methods and Rules within 12 months prior to the interstate movement of any cattle from such herd.

(2) *Herd of unknown status in a quarantined area.* Any herd of cattle in a quarantined area except a qualified herd or a herd known to be affected.

* * * * *

(ee) *Quarantined area.* Any area listed in § 78.22a.

2. A new section 78.12a is added to read:

§ 78.12a **Cattle from quarantined areas.**

Notwithstanding any provisions in the regulations to the contrary, cattle may be moved interstate from a quarantined area only in accordance with the provisions of this section.

(a) *Steers and spayed heifers.* Steers and spayed heifers over 6 months of age may be moved without restrictions.

(b) *Brucellosis reactor cattle.* Brucellosis reactor cattle may be moved in accordance with the provisions of § 78.7.

(c) *Brucellosis exposed cattle.* Brucellosis exposed cattle may be moved in accordance with the provisions of § 78.8 (a) or (b).

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate in accordance with the conditions specified in any one of the following paragraphs:

(1) *Movement for immediate slaughter.* (i) Such cattle may be so moved for immediate slaughter either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test; or (ii) such cattle may move in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may be so moved to a quarantined feedlot either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test; or (ii) such cattle may move in accordance with the provisions of § 78.8(a); or

(3) *Movement for purposes other than in paragraphs (d) (1) and (2) of this section.* Cattle in qualified herds may be so moved either directly from a farm of origin or through a specifically approved stockyard for purposes other than those specified in paragraphs (d) (1) and (2) of this section if they are accompanied by a certificate and such cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test.

(e) *Movement from herds of unknown status.* Cattle which originate in herds of unknown status in a quarantined area may be moved interstate only for immediate slaughter or directly to a quarantined feedlot in accordance with § 78.8 (a) or (b).*

§§ 78.20, 78.21, 78.22 [Amended]

3. In §§ 78.20, 78.21, and 78.22 all references to Texas are deleted.

4. A new § 78.22a is added to read:

* A herd of unknown status in a quarantined area may become a qualified herd upon compliance with the provisions of § 78.1(o).

§ 78.22a Quarantined areas.

Notice is hereby given that because of the existence of the contagion of brucellosis and the nature and extent of such contagion in certain areas which do not have control and eradication procedures adequate to prevent the interstate dissemination of the disease, the following areas are quarantined:

The entire State of Texas.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–114a–1, 115, 117, 120, 121, 123–125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19111.)

Effective date. The foregoing amendments shall become effective January 5, 1976.

The amendments impose restrictions necessary in order to prevent the interstate spread of brucellosis and they must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of December, 1975.

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

[FR Doc.75-34723 Filed 12-23-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 75-1138]

PART 500—ORGANIZATION AND CHANNELING OF FUNCTIONS

Amendments Relating To Board Organization

DECEMBER 15, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Present Regulations.*

Part 500 of the General Regulations describes the organization and channeling of functions of the Board.

II. *Final Regulations.*

Part 500 is updated to reflect current Board organization and channeling of functions. "Subpart D—Delegations of Authority" has been added.

The Federal Home Loan Bank Board considers it advisable to amend §§ 500.11, 500.13, 500.14, 500.18, 500.19, 500.20, 500.21, 500.22, 500.31 and 500.32 of Part 500 (12 CFR Part 500) of the General Regulations, and to add thereto "Subpart D—Delegations of Authority" including a new § 500.40 to reflect present Board organization and channeling of functions.

New "Subpart D—Delegations of Authority" was created to integrate into the Part 500 structure the Board's delegations to its Offices. The first delegations under the newly created Subpart are to the Director or Acting Director of the Federal Savings and Loan Insurance Corporation in § 500.40.

Section 500.11 is amended by deleting the last sentence.

Section 500.13, which describes the Office of Management Systems and Administration, and § 500.14, which describes the Office of Economic Research, are amended to more clearly define the present functions of those Offices.

Section 500.18, which describes the Office of Examinations and Supervision, is amended to include the following Acts under which the Office has supervisory responsibilities: the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act, and the Flood Disaster Protection Act.

Section 500.19, which describes the Office of Industry Development, is amended to reflect that Office's additional responsibilities to review for approval marketable certificates of deposit and to coordinate inter-office programs relating to electronic fund transfer systems.

Section 500.20, which describes the Office of the Federal Savings and Loan Insurance Corporation, is amended to describe the present responsibilities of the four divisions of that Office.

Section 500.21, which describes the Office of the Federal Home Loan Banks, is amended to include the Office's responsibility for conducting the election of directors of the Federal Home Loan Banks.

Section 500.22, which describes the Office of Housing and Urban Affairs, is amended to clarify its responsibilities and delete reference to administrative oversight of the Urban Reinvestment Task Force.

Section 500.31, which lists current forms, is amended by (1) deleting Forms 241, 631, 999, 4–T, and 400; (2) adding Form No. 1013; and (3) re-designating Form PA as Form AC.

Section 500.32, which lists the Board's Offices and describes the manner in which submittals should be made to the Board, is amended to delete a Los Angeles branch office, which has been closed.

Accordingly, the Federal Home Loan Bank Board hereby amends §§ 500.11, 500.13, 500.14, 500.18, 500.19, 500.20, 500.21, 500.22, 500.31 and 500.32 of Part 500 (12 CFR Part 500) of the General Regulations, and adds thereto "Subpart D—Delegations of Authority" including new § 500.40 to read as set forth below, effective December 29, 1975.

Since the above-described amendments relate to rules of Board organization, procedure, or practice, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinabove set forth.

1. Revise § 500.11 to read as follows:

§ 500.11 Secretary to the Board.

The Secretary to the Board is responsible for the secretarial functions of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation and has custody of the records of the Board and of the Corporation. The Secretary to the Board is responsible for the preparation and maintenance of the Minute Record of all official actions of the Board, for the authentication of documents and for certifications. The Office of the Secretary provides general record services for the Board through the Files and Docket Section, which is under the direction and supervision of the Secretary to the Board. The Secretary to the Board is Liaison Officer to the Federal Register.

2. Revise paragraphs (a), (b), (c), and (e) of § 500.13 as follows:

§ 500.13 Director of the Office of Management Systems and Administration.

* * * * *

(a) The Financial Management Division is responsible for the administration and management of the internal financial operations of the Board, the headquarters of the Office of Examinations and Supervision, and the Federal Savings and Loan Insurance Corporation, including budgeting, accounting, receipt, and disbursement of funds; control, processing, and payment of expenses; and maintenance of pay and leave records. This Division is also responsible for preparation of the Board's annual budget submissions to the Office of Management and Budget and to the Congress, and for supervision of field accounting operations for the Federal Savings and Loan Insurance Corporation.

(b) The Administration and Methods Division is responsible for conducting purchase and supply operations; sorting, receiving, and distributing mail; maintenance; transportation; acquiring and allocating space; contract administration; and other housekeeping functions for the Board. A printing and reproduction plant is operated by this Division, as authorized by the Congressional Joint Committee on Printing. The Board's emergency planning program for continuity of operations and relocation of the agency in the event of an emergency is also a function of this Division.

(c) The Personnel Management Division is responsible for development and execution of the personnel management program of the Board. The program includes recruitment, placement and staffing; position classification and wage administration; employee development and training; employee-management relations; health insurance, life insurance,

and retirement benefits; and incentive awards. The Director of the Personnel Management Division is also responsible for carrying out the purposes of Executive Order No. 10450, as amended, as Personnel Security Officer of the Board, and for acting as agency liaison to the Civil Service Commission on all personnel matters of interest to the Commission.

* * * * *

(e) The Management Systems Division assits management in achieving effective, efficient, and economical operation of the Board, Federal Home Loan Banks, Federal Savings and Loan Insurance Corporation, and the Office of Finance. To accomplish these results, the Division conducts financial, operational, and management audits; performs special studies of management, systems, and procedural problems, and provides management training and organizational development programs. The Division is also responsible for operating the paperwork management programs required by the National Archives Record Service, General Services Administration.

3. Section 500.14 is revised as follows:

§ 500.14 Director of the Office of Economic Research.

The Director of the Office of Economic Research, as principal economic adviser to the Board, is responsible for design and supervision of economic analysis in the areas of general economic developments, capital and mortgage markets, housing, and the savings and loan industry and competing financial intermediaries, as well as matters relating to legislation, regulation, and policies of the Board. The Director's responsibilities also include: developing and maintaining various research, statistical, and econometric programs to gather and keep current information relating to the savings and loan industry; working with other agencies through interagency committees; participating in research and policy projects with the Federal Home Loan Banks; providing liaison with public and private organizations; preparing articles and statistical tables for publication; overseeing the Board's contract with the Agency for International Development and the Federal Home Loan Banks' participation in the AID Housing Guarantee Program; providing research support and advice to Board Offices; and acting as official economic spokesman for the Board.

* * * * *

4. Section 500.18 is revised as follows:

§ 500.18 Director of the Office of Examinations and Supervision.

The Director of the Office of Examination and Supervision is responsible for the performance of the responsibilities of the Board and the Federal Savings and Loan Insurance Corporation with respect to examination and supervision of Federal savings and loan associations under the Home Owners' Loan Act of 1933 and of State-chartered insured institutions, savings and loan holding companies, and subsidiaries of savings and loan holding companies under Title IV of the National Housing Act. The Director is also responsible for advising the Board with respect to matters of policy decision, legislation, and regulation to which his functions of supervision and examination are related. The Director is responsible for management of the examination process and development and improvement of examination techniques and for the direction of supervisory and enforcement activities of the staff and agents of the Board and the Federal Savings and Loan Insurance Corporation. This Office supervises the security programs of insured institutions required by the Bank Protection Act of 1968 and enforcement of the Truth in Lending Act, the Fair Credit Reporting Act, the Currency and Foreign Transactions Reporting Act, the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act, and the Flood Disaster Protection Act.

5. Section 500.19 is revised as follows:

§ 500.19 Director of the Office of Industry Development.

The Director of the Office of Industry Development is responsible for processing, review, and evaluation of certain applications to the Board and the Federal Savings and Loan Insurance Corporation, except for applications which are approved by another agent or officer of the Board pursuant to delegated authority. Applications for which the Director is responsible concern the following matters: permission to organize a Federal savings and loan association; facility offices (including regular branch offices, limited facility branch offices, satellite offices, and mobile facilities) of existing Federal savings and loan associations; insurance of accounts; conversion from Federal to State or from State to Federal charter; membership in the Federal Home Loan Bank System; mergers involving a Federal savings and loan association; voluntary dissolution of a Federal savings and loan association; increase in accounts of an insurable type through merger, consolidation, or purchase of bulk assets; investment in a service corporation by a Federal savings and loan association; change in office location; investment in an office building; waiver or modification of a condition for insurance of accounts or issuance of a Federal charter; release of pledged savings acounts or escrowed stock; extension of a lending area; approval of amendments to charter, bylaws, or security forms; approval or disapproval of marketable certificates of deposits with the concurrence of the Office of the General Counsel; permission to issue subordinated debt securities; and other applications for which the Director of this Office may be assigned responsibility. The Director is also responsible for planning and coordinating new programs to stimulate development of the savings and loan industry by encouraging financially sound restructuring. Further, it is the responsibility of the Director to coordinate inter-office programs in regard to development, extension, and reporting of electronic fund transfer systems.

6. Section 500.20 is revised as follows:

§ 500.20 Director of the Office of the Federal Savings and Loan Insurance Corporation.

The Director of the Office of the Federal Savings and Loan Insurance Corporation is responsible for advising the Board with respect to policies and operations of the Corporation. He is responsible for preservation of the integrity and fiscal soundness of the insurance fund in order to effect prompt settlement of all insurance obligations. Administration of this responsibility is accomplished through the Office's four divisions:

(a) The Insurance Division is responsible for payment in cash of all insured savings as promptly as possible in the event of a default of an insured savings and loan association. The Division identifies, develops, and employs effective alternative measures for prompt settlement of insurance obligations.

(b) The Problem and Rehabilitation Division is responsible for maintaining a high level of confidence on the part of the savings public in the industry's integrity and fiscal soundness. In coordination with the Office of General Counsel and the Office of Examinations and Supervision, the Division develops and implements plans of financial assistance to prevent default of insured institutions.

(c) The Financial Assistance Division is responsible for effective administration of the FSLIC's financial assistance agreements and prudent management of the liquidation of its contingent liabilities under these agreements at the earliest opportunity. The Division is also responsible for operational and financial audits of all insurance settlement actions by the FSLIC.

(d) The Asset Management Division is responsible for directing liquidation of the assets of FSLIC administered receiverships and for liquidation of Corporation-owned assets through marketing techniques designed to facilitate maximum recoveries of FSLIC funds.

7. Sections 500.21 and 500.22 are revised as follows:

§ 500.21 Director of the Office of the Federal Home Loan Banks.

The Director of the Office of the Federal Home Loan Banks is responsible for reviewing the activities of the Banks and for directing and co-ordinating their operating procedures to ensure conformity with the goals and objectives of the Board. The Director is responsible for establishing standards of accounting, reporting, and financial analysis for the Banks and for providing advice and assistance to the Banks in their operations, including but not limited to, data processing, planning, and community activity. He is also responsible for advising the Board on policy decisions respecting the Banks and for making recommendations concerning such matters as budgets, salaries, dividends, bylaw amendments, and elections of officers and counsel. The Director is also respon-

sible for annual examinations and for conducting elections of directors of each Federal Home Loan Bank.

§ 500.22 Director of the Office of Housing and Urban Affairs.

The Director of the Office of Housing and Urban Affairs is responsible for advising the Board on housing, urban problems, and minority affairs and for recommending policies pertaining thereto. This Office develops, implements, and evaluates programs to encourage housing investment and rehabilitation in older urban neighborhoods, prevent discrimination in lending and employment by the savings and loan industry, and assist minority owned or operated savings and loan associations which have Federal charters or insurance of accounts by the Federal Savings and Loan Insurance Corporation.

§ 500.31 [Amended]

8. In § 500.31, delete from paragraph (a)(1) Forms 244, 631, and 999, redesignate Form PA as Form AC, and add after Form 921 the following new form:

1013..... Federal Home Loan Bank Board membership change of status report.

Also in § 500.31, delete from paragraph (a)(3) Forum 4-T and from paragraph (b) delete Form 400.

§ 500.32 [Amended]

9. In § 500.32, delete from paragraph (b)(11) the following:

Los Angeles Branch Office
615 South Flower Street
Los Angeles, California 90017

10. Add new Subpart D, including new § 500.40, to read as follows:

Subpart D—Delegations of Authority

§ 500.40 Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation.

(a) The Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation is authorized:

(1) to manage assets acquired by the Corporation pursuant to or in connection with action taken under the third sentence of section 406(c)(1), section 406(c)(3), or section 406(f) of the National Housing Act, as amended, or section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended;

(2) to satisfy, settle, or compromise any liability of, or claim or judgment against, the Corporation arising out of the management of any asset referred to in paragraph (a)(1) of this section, subject to any limitations placed upon such authority by any regulation, resolution, or other action of the Board;

(3) to authorize the sale or other disposition of any asset acquired by the Corporation pursuant to or in connection with action taken under the third sentence of section 406(c)(1), section 406(c)(3), or section 406(f) of the National Housing Act, as amended, or section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended, *Provided*, That the loss calculated according to the book value of such asset does not exceed $100,000; and

(4) to redelegate in writing the authority set forth in paragraph (a)(3) of this section to the Deputy Director of the Office of the Federal Savings and Loan Insurance Corporation or to such other officer of such Office as the Director or Acting Director may designate, *Provided*, That such other Officer may not exercise such authority with respect to the sale or other disposition of an asset for which the loss calculated according to the book value of such asset exceeds $80,000.

(b) The Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation shall report monthly to the Board any action taken pursuant to the authorizations contained in paragraphs (a)(3) and (4) of this section that involves a book loss in excess of $50,000.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. § 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34708 Filed 12-23-16;8:45 am]

[No. 75-1166]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

SUBCHAPTER D—INSURANCE OF ACCOUNTS

PART 561—DEFINITIONS

Clarifying Amendments Regarding Classification of Investments

DECEMBER 19, 1975.

The Federal Home Loan Bank Board considers it desirable to amend § 523.10(g) of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10(g)) and § 561.15(e) of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15(e)) for the purpose of clarifying the classification thereunder of certain investments, in connection with a letter issued today by the Acting Chairman of the Board to all insured institutions concerning the recent offer (Exchange Offer) of the Municipal Assistance Corporation to exchange four series of its bonds for Notes of the City of New York (City Notes).

Prior to the instant amendment, § 523.10(g)(6) provided that general obligations of State, Federal or local governments with terms to maturity of not more than 2 years qualified as liquid assets if "rated at the time acquired by a member in one of the four highest [investment rating] grades * * *" Some doubt appears to have existed as to whether continued qualification as a liquid asset of obligations such as the City Notes is affected where either the qualifying rating is lost or the obligation is in default. It is clear to the Board, on the basis of the statutory purposes of liquidity, that either event would warrant removing an obligation from eligibility as a liquid asset, and that clarifying changes in the regulations are therefore required.

The statutory purposes of liquidity are stated in paragraph (a) of section 5A of the Federal Home Loan Bank Act, as follows:

* * * * *

Sec. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

It is clear that neither mortgage credit nor the ability of an association to meet demand for withdrawals is enhanced by a security which has lost its rating, or one which is in default. To remove any implication that qualification for liquidity at the time of acquisition also suggests continued qualification despite rating removal or default, § 523.10(g) is amended to require that principal and interest of "liquid assets" be free from default and that the general governmental obligations held as liquidity continue to qualify with regard to their investment ratings.

On a related matter, the Board amends paragraph (e) of § 561.15 to provide that a security, whether held for purposes of liquidity or investment, becomes a scheduled item if either principal or interest payments are in default.

Failure to meet liquidity requirements may subject an association to penalty under § 523.11. However, the Board, under the authority granted it by paragraph (e) of section 5A of the Federal Home Loan Bank Act, has recommended forebearance with respect to penalties as to any institution that fails to meet Board liquidity requirements as a result of continued investment by the institution in City Notes or acceptance of the Exchange Offer. Such forebearance is subject, however, to a satisfactory arrangement with the appropriate Supervisory Agent, on an individual case basis, for meeting liquidity requirements by the end of any period or periods of forebearance, which in no event shall aggregate more than one year. Supervisory Agents have also been directed, again on an individual case basis, to waive any lending restriction caused by an excessive volume of scheduled items stemming from present ownership of City Notes.

Accordingly, the Board hereby amends said §§ 523.10(g) and 561.15(e), to read as set forth below, effective December 24, 1975.

Since these amendments are clarifications and it is in the public interest that such amendments become effective without delay, the Board hereby finds that notice and public procedure with respect to such amendments are contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period of time specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the

same reasons, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

1. Section 523.10(g) is amended to read as follows:

LIQUIDITY

§ 523.10 Definitions.

For the purposes of this section, § 523.11, and § 523.12:

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement), as long as principal and interest on such assets are not in default:

* * * * *

(6) general obligations (other than gold-related obligations) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) such obligations are and continue to be either (*a*) rated in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service or (*b*) issued by a public housing agency and have the full faith and credit of the United States pledged pursuant to section 1421a(c) or section 1437i(a) of Title 42 of the United States Code, as amended; and

(ii) the remaining periods to maturity of such obligations are not more than 2 years.

* * * * *

(Sec. 5A, 47 Stat. 727, as added by Sec. 1, 64 Stat. 256, as amended, Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

2. Section 561.15(e) is amended to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(e) Any securities upon which one or more interest or principal payments due have not been paid (other than guaranteed obligations).

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.75-34735 Filed 12-23-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER 1—SMALL BUSINESS ADMINISTRATION

PART 103—APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

Revision 1, Amendment 1

On November 3, 1975, there was published in the FEDERAL REGISTER (40 FR 51069) a notice that the SMALL BUSINESS ADMINISTRATION proposed to amend the subpart of 13 CFR Part 103 entitled "Interpretation of 'good cause'" by revising Section 103.13-5(b) to specifically interpret advertising by applicants' representatives using the name "SBA" as "good cause" for suspension or revocation of the privilege to appear before the SBA.

Interested parties were given 30 days to submit comments. No comments were received. According Part 103, § 103.13-5 is hereby amended by revising paragraph (b) to read as follows:

§ 103.13-5 Interpretation of "good cause."

* * * * *

(b) *Solicitation.* Requesting or suggesting directly or through any agency or medium the employment of the person making or initiating the request or suggestion, or some other person to perform work in connection with an application. "Solicitation" shall include, but shall not be limited to, requests or suggestions which violate the ethics, customs, or regulations of the profession or business of the person or persons making or initiating the suggestions; requests or suggestions which imply or infer that the work to be performed or any portion thereof, will be of a political, influential, or similar nature; and any advertisement or representation that contains or uses the words "Small Business Administration" or "SBA", or any symbol thereof.

* * * * *

Effective Date: In view of the fact that the foregoing is an interpretative rule and statement of policy, it shall be made effective December 24, 1975.

LOUIS F. LAUN,
Acting Administrator

[FR Doc.75-34697 Filed 12-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-149, Amdt. 1]

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Filing of Environmental Evaluations by Applicants

Section 312.12(a) of the Board's Procedural Regulations (14 CFR 312.12(a)) implementing the National Environmental Policy Act of 1969 (NEPA) requires that all applications seeking Board action pursuant to sections 401 and 402 of the Federal Aviation Act of 1958 (Act) be accompanied at the time of filing by an "environmental evaluation," which is a report containing certain basic information bearing upon the possible environmental impact of the proposed action (see § 312.12(c)). The evaluation is designed to assist the Board in determining whether the application may result in a major Federal action having a significant impact upon the quality of the human environment and whether therefore an "environmental impact statement" under section 102(2)(C) of NEPA may be required. On September 23, 1975, certain air carriers [1] filed a petition requesting a modification of the timing of the environmental evaluation filing requirement, and a stay of the effective date thereof.[2] The carriers suggest that a more appropriate time for filing an environmental evaluation would be: (1) When requested by order of the Board or notice from the responsible official of the Board; or (2) at the time of filing of a motion for expedited hearing; or (3) at the time direct exhibits are exchanged, if not previously required.

In support of their petition, the carriers assert that the present rule will require much unnecessary work for the carriers since only a limited number of section 401 applications which are filed are actually set for hearing. Further, they assert that the time lag between the filing of an application and a Board order setting a case for hearing may well render the information supplied in the evaluation outdated and useless for purposes of a decision on potential environmental impact. Four civic parties have jointly filed an answer to the petition, supporting the modification sought.

A joint answer in support has also been filed by two Alaskan certificated carriers and eight local service carriers.[4]

Upon consideration of the pleadings and all relevant facts, the Board finds that amendment of section 312.12(a) of the rule is warranted and in the public interest. As amended, the rule will provide that, except for certain expedited proceedings, an environmental evaluation must be filed within 30 days—unless otherwise specified in the Board order—

[1] American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[2] The Board's environmental rule was adopted August 13, 1975 and became effective on September 24, 1975 (Regulation PR-146, 40 FEDERAL REGISTER 37184). The request for a stay is hereby mooted.

[3] Boston Parties, Cincinnati Parties, Las Vegas Parties, and St. Louis Parties.

[4] Alaska Airlines, Allegheny Airlines, Frontier Airlines, Hughes Airwest, North Central Airlines, Ozark Air Lines, Piedmont Aviation, Southern Airways, Texas International Airlines and Wien Air Alaska.

of the date of any Board order setting an application for hearing or other proceedings, or granting a motion to consolidate or contemporaneously consider the application in a proceeding.

In adopting the present requirement for concurrent filing of the application and the environmental evaluation, we rejected an earlier suggestion by the petitioners that environmental data should be submitted in a hearing case only at the time of direct exhibits.[5] We were concerned then, as we are now, that the submission of the information necessary to determine whether further environmental analysis is required be made early enough in the decisional process to avoid unconscionable delay in the event that an environmental impact statement—or a detailed environmental negative declaration—is believed necessary. We found the carriers' earlier proposal deficient in this regard since submission of the data at the direct exhibit stage would not assure the responsible official of sufficient time before the hearing to prepare an adequate analysis, thus forcing a delay of the proceedings.

On the other hand, we believe that the carriers' current position points the way toward a reasonable compromise between the interests of avoiding needless regulatory burdens, minimizing delay in proceedings, and assuring that the environmental information supplied will not be outdated. Clearly, the burden on applicants is alleviated by postponement of the filing date until after an application is set for hearing, and the information garnered is more likely to be realistic, up to date and useful to the responsible official. Further, we do not believe that the amended procedure established hereby will unduly delay most Board proceedings (albeit it must be recognized that some delay is inherent in any case subject to the full panoply of NEPA procedures), particularly since, as discussed below, applications receiving expedited treatment must continue to be accompanied by environmental evaluations.

Certain applications subject to § 312.12 (a) of the Board's environmental regulations are customarily accorded expedited treatment, such as, for example, applications for which motions for expedited hearing, show cause procedures, or other expedited consideration are filed and most section 402 foreign air carrier permit applications. In such instances, the motion or application is usually accompanied by a detailed evidentiary justification, which facilitates expeditious treatment. The petitioners recognize the appropriateness of requiring the filing of an environmental evaluation along with a motion for expedited hearing, and a section 402 application (Petition at 4). Thus, we will retain the present contemporaneous filing requirement for motions seeking expedited consideration (including show cause procedures) and section 402 foreign air carrier applications.[6]

Since the amendment pertains to rules of agency practice and procedure and in addition lightens or removes a burden already imposed by existing regulations, the Board finds that notice and public procedure hereon are not necessary, and that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 312 of the Procedural Regulations (14 CFR 312), effective December 19, 1975, as follows:

Revise paragraph (a) of § 312.12 to read as follows:

§ 312.12 Filing of environmental evaluations by applicants.

(a) Except where a waiver or exemption has been granted under § 312.6, every person filing an application falling within the scope of § 312.9(a)(1) shall file an environmental evaluation, as provided in subsection (c), as specified below:

(1) A motion by an air carrier applicant for expedited hearing, for other expedited consideration, or for the institution of show cause procedures with respect to an application, and applications pursuant to Subpart M and Subpart N of Part 302 of the Board's Procedural Regulations shall be accompanied by an environmental evaluation;

(2) An application by a foreign air carrier for a permit pursuant to section 402 of the Federal Aviation Act, 49 U.S.C. 1372, shall be accompanied by an environmental evaluation;

(3) In all other instances, the environmental evaluation shall be filed within 30 days after the date of any Board order setting the application for hearing or other proceedings, or granting a motion to consolidate or contemporaneously consider the application in a proceeding, unless the Board has provided otherwise; or

(4) Upon order of the Board or a request by the responsible official.

* * * * *

(Sections 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481; the National Environmental Policy Act of 1969, 83 Stat. 352 *et seq.*, 42 U.S.C. 4321 *et seq.*; and Executive Order 11514)

By the Civil Aeronautics Board:

Effective: December 19, 1975.

Adopted: December 19, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-34709 Filed 12-23-75;8:45 am]

[5] Regulation PR-146 at 11.

[6] Certain other applications also often receive expedited treatment, such as those filed pursuant to Subpart M and Subpart N of Part 302 of the Board's Procedural Regulations. We will include such applications in the requirement for contemporaneous filing of environmental evaluations.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8974]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lustine Chevrolet, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantage; § 13.135 Nature of product or service; § 13.140 Old, reclaimed or reused product being new; § 13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 Size, extent, or equipment; § 13.1570 Unique status or advantages.—Goods:. § 13.1685 Nature; § 13.1695 Old, secondhand, reclaimed or reconstructed as new; § 13.1740 Scientific or other relevant facts.—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1880 Old, used, or reclaimed as unused or new; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Lustine Chevrolet, Inc., a corporation, and Phillip Lustine and Burton Lustine, individually and as officers of said corporation

Consent order requiring a Hyattsville, Md., new and used car dealer, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing prior to delivery and to disclose, orally and in writing, specific information with respect to used motor vehicles.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Lustine Chevrolet, Inc., a corporation, its successors and assigns and its officers, and Phillip Lustine and Burton Lustine, individually and as officers of said corporation, and respondents' agents, repre-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

sentatives and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally or in writing, directly, or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing a new vehicle prior to delivery of such vehicle to the customer.

2. Offering for sale or selling any vehicles of the current or previous model year, which has been used in any manner, other than the limited use referred to in paragraph 1., above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "FOR EXACT MILEAGE, SEE ODOMETER".

5. Offering for sale or selling any motor vehicle of the current or the previous model year which has been used and which respondents have reason to believe has been damaged to the extent that it may adversely affect said motor vehicle's performance and life expectancy and the repair and repainting of said motor vehicle may hide said damage, without:

(a) Disclosing, both orally and in writing, the manner in which the motor vehicle has been damaged and the nature of the damage sustained by the vehicle; and

(b) Clearly and conspicuously disclosing by decal or sticker attached thereto, as required by paragraph 4., above, that the motor vehicle has been damaged.

6. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

7. Failing to disclose, both orally and in writing, prior to the signing of the completed retail order for a used motor vehicle, and in any and all advertising of such vehicles, the precise amount of handling and service charges which will be added to the cost of respondents' used motor vehicles.

8. Representing, orally or in writing, directly or by implication, that respondent Lustine Chevrolet, Inc. is America's Largest Special Purchase Dealer, or using words of similar import, unless it does occupy such purchasing position, at the time aforesaid representation is made; misrepresenting, in any manner, the size, status, sales or purchasing position of respondents' dealership.

It is further ordered:

(a) That respondents shall forthwith distribute a copy of this order to each of their operating divisions;

(b) That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, and in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person;

(c) That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order;

(d) That respondents post in a prominent place in each salesroom or other area wherein respondents sell motor vehicles or other products or services, a copy of this cease and desist order, with the notice that any customer or prospective customer may receive a copy on demand; and

(e) That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities; and

(f) That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Nov. 25, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34687 Filed 12-23-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 813]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a com-

munity has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Arizona	Greenlee	Duncan, town of	H 040036A 01 through H 040036A 06	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Town Clerk, Town Hall, Duncan, Ariz. 85534.	Sept. 13, 1974. Dec. 5, 1975.
Do	Maricopa	Surprise, town of	H 040053A 01	do	Mayor, Town Hall, 12604 Santa Fe Dr., Surprise, Ariz. 85345.	June 28, 1974. Dec. 5, 1975.
Do	do	Youngtown, town of.	H 040057A 01	do	Mayor, Town Hall, 12024 Clubhouse Square, Youngtown, Ariz. 85363.	Dec. 28, 1973. Dec. 5, 1975.
Do	Pima	Tucson, city of	H 040076A 01 through H 040076A 31	do	City Engineer, City Hall, P.O. Box 5547, Tucson, Ariz. 85703.	Aug. 2, 1974. Dec. 5, 1975.
Arkansas	Jackson	Diaz, town of	H 050100A 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town Hall, Diaz, Ark. 72043	Mar. 8, 1974. Dec. 5, 1975.
Do	Mississippi	Keiser, city of	H 050146A 01	do	Mayor, City Hall, Keiser, Ark. 72351	May 17, 1974. Dec. 5, 1975.
Do	Sebastian	Huckett, city of	H 050199A 01	do	Mayor, City Hall, Huckett, Ark. 72937.	Oct. 18, 1974. Dec. 5, 1975.
California	Humboldt	Arcata, city of	H 060061A 01 through H 060061A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Finance Director/City Clerk, City Hall, 736 F St., Arcata, Calif. 95521.	June 28, 1974. Dec. 5, 1975.
Do	Imperial	Holtville, city of	H 060070A 01	do	City Engineer, City Hall, Holtville, Calif. 92250.	Apr. 15, 1974.
Do	Los Angeles	Gardena, city of	H 060119A 01 through H 060119A 03	do	Mayor, City Hall, 1700 West 162d St., Gardena, Calif. 90247.	July 19, 1974. Dec. 5, 1975.
Do	do	Pico Rivera, city of.	H 060148A 01 through H 060148A 03	do	Mayor, City Hall, 6615 Passons Blvd., Pico Rivera, Calif. 90660.	June 28, 1974. Dec. 5, 1975.
Do	do	Rosemead, city of.	H 060153A 01 through H 060153A 03	do	City Manager, 8838 East Valley Blvd., Rosemead, Calif. 91770.	June 28, 1974. Dec. 5, 1975.
Do	do	Torrance, city of	H 060165A 01 through H 060165A 07	do	City Engineer, City Hall, 3031 Torrance Blvd., Torrance, Calif. 90503.	Aug. 2, 1974. Dec. 5, 1975.
Do	Riverside	Indian Wells, city of.	H 060254A 01 through H 060254A 03	do	City Manager, 45-300 Club Dr., Indian Wells, Calif. 92260.	June 28, 1974. Dec. 5, 1975.
Do	San Luis Obispo	Morro Bay, city of.	H 060307A 01 through H 060307A 04	do	Mayor, City Hall, 595 Habor St., Morro Bay, Calif. 93442.	May 31, 1974. Dec. 5, 1975.
Do	San Mateo	Pacifica, city of	H 060323A 01 through H 060323A 05	do	Mayor, City Hall, 170 Santa Maria, Pacifica, Calif. 94044.	June 28, 1974. Dec. 5, 1975.
Do	Santa Clara	Sunnyvale, city of.	H 060352A 01 through H 060352A 02	do	Mayor, City Hall, 456 West Olive Ave., Sunnyvale, Calif. 94086.	Dec. 5, 1975.
Do	Tulare	Porterville, city of.	H 060407A 01 through H 060407A 06	do	Mayor, City Hall, 291 North Main St., Porterville, Calif. 93257.	Apr. 12, 1974. Dec. 5, 1975.
Do	Contra Costa	El Cerrito, city of.	H 065027A 01 through H 065027A 02	do	Mayor, City Hall, 10890 San Pablo Ave., El Cerrito, Calif. 94530.	June 28, 1974. Dec. 5, 1975.
Do	do	Lafayette, city of	H 065037A 01 through H 065037A 08	do	Mayor, City Hall, 975 Oakland St., Lafayette, Calif. 94549.	July 26, 1974. Dec. 5, 1975.
Do	San Mateo	Millbrae, city of	H 065045A 01 through H 065045A 04	do	Mayor, City Hall, 621 Magnolia Ave., Millbrae, Calif. 94030.	July 19, 1974. Dec. 5, 1975.
Florida	Orange	Unincorporated areas.	H 120179 01 through H 120179 62	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Director of Planning, Orange County Planning Board, P.O. Box 1393, Orlando, Fla. 32801.	Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Idaho	Bonner	Priest River, city of.	H 160026A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, 15 High St., Priest River, Idaho 83856.	June 28, 1974. Dec. 5, 1975.
Do	Custer	Challis, city of.	H 160053A 01	do	Mayor, City Hall, P.O. Box 587, Challis, Idaho 83226.	June 28, 1974.
Do	Kootenai	Worley, city of.	H 160085A 01	do	Mayor, City Hall, P.O. Box 7, Worley, Idaho 83876.	Sept. 6, 1974.
Do	Teton	Victor, city of.	H 160119A 01	do	Mayor, City Hall, Victor, Idaho 83455	Do. Dec. 5, 1975.
Illinois	Cook	Calumet, city of.	H 170072A 01 through H 170072A 03	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 204 Pulaski Rd., Calumet City, Ill. 60409.	Apr. 5, 1974. Dec. 5, 1975.
Do	Iroquois	Ashkum, village of.	H 170287A 01	do	Village President, Ashkum, Ill. 60911.	June 7, 1974. Dec. 5, 1975.
Do	Stephenson	Pearl City, village of.	H 170642A 01	do	Village President, Pearl City, Ill. 61062.	May 3, 1974. Dec. 5, 1975.
Do	Tazewell	Delavan, city of.	H 170648A 01	do	Mayor, 712 Chestnut St., Delavan, Ill. 61734.	May 24, 1974.
Do	Williamson	Herrin, city of.	H 170717A 01 through H 170717A 03	do	Mayor, City Hall, Herrin, Ill. 62948.	Feb. 15, 1974. Dec. 5, 1975.
Indiana	St. Joseph	Osceola, town of.	H 180229A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Box 195, Osceola, Ind. 46561.	Dec. 17, 1973. Dec. 5, 1975.
Do	Wayne	Richmond, city of.	H 180287A 01 through H 180287A 07	do	Mayor, City Hall, Richmond, Ind. 47374.	May 10, 1974. Dec. 5, 1975.
Iowa	Fremont	Hamburg, city of.	H 190133A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Clerk and Zoning Administrator, Hamburg, Iowa 51640.	June 14, 1974. Dec. 5, 1975.
Do	Guthrie	Guthrie Center, city of.	H 190135A 01	do	Clerk, City Hall, Guthrie Center, Iowa 50115.	May 17, 1974. Dec. 5, 1975.
Do	Linn	Fairfax, city of.	H 190190A 01	do	Mayor, City Hall, Fairfax, Iowa 52228.	May 3, 1974. Dec. 5, 1975.
Do	Mills	Glenwood, city of.	H 190203A 01	do	Mayor, City Hall, Glenwood, Iowa 51534.	June 28, 1974 Dec. 5, 1975.
Do	Webster	Harcourt, city of.	H 190280A 01	do	Mayor, City Hall, Harcourt, Iowa 50544.	Dec. 6, 1974.
Kansas	Harvey	Newton, city of.	H 200133A 01 through H 200133A 04	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 120 East 7th St., Newton, Kans. 67114.	Feb. 1, 1974. Dec. 5, 1975.
Do	Morton	Elkhart, city of.	H 200236A 01	do	Mayor, City Hall, 433 Morton, Elkhart, Kans. 67950.	May 24, 1974. Dec. 5, 1975.
Do	Reno	Hutchinson, city of.	H 200283A 01 through H 200283A 08	do	Mayor, City Hall, 125 East Ave., P.O. Box 1567, Hutchinson, Kans. 67501.	June 28, 1974. Dec. 5, 1975.
Do	Republic	Scandia, city of.	H 200289A 01	do	Mayor, City Office Bldg., Main St., Scandia, Kans. 66966.	May 10, 1974. Dec. 5, 1975.
Kentucky	Barren	Glasgow, city of.	H 210007A 01 through H 210007A 05	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Glasgow, Ky. 42141	May 24, 1974. Dec. 5, 1975.
Louisiana	Concordia	Ridgecrest, town of.	H 220056A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Ridgecrest, La. 71334.	May 24, 1974. Dec. 5, 1975.
Do	St. Landry	Grand Coteau, town of.	H 220160A 01 through H 220160A 02	do	Mayor, Town Hall, Grand Coteau, La. 70541.	Dec. 7, 1973. Dec. 5, 1975.
Do	St. Martin	Parks, village of.	H 220190A 01	do	Mayor, Village Hall, Parks Rural Station, St. Martinville, La. 70582.	Jan. 23, 1974. Dec. 5, 1975.
Do	Tangipahoa	Kentwood, town of.	H 220210A 01 through H 220210A 02	do	Mayor, Town Hall, Kentwood, La. 70444.	Nov. 2, 1973. Dec. 5, 1975.
Do	West Baton Rouge.	Port Allen, city of.	H 220242A 01	do	Mayor, City Hall, Port Allen, La. 70767.	June 28, 1974.
Maryland	Caroline and Dorchester.	Federalsburg, town of.	H 240013 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, 103 South Main St., Federalsburg, Md. 21632.	Jan. 30, 1976.
Do	Somerset	Princess Anne, town of.	H 240093A 01	do	President Town Commissioner, Town Office, Princess Anne, Md. 21853.	June 28, 1974. Dec. 5, 1975.
Michigan	Berrien	Lincoln, township of.	H 260037A 01 through H 260037A 05	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Supervisors, Township of Lincoln, P.O. Drawer L, Stevensville, Mich. 49127.	July 26, 1974. Dec. 5, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Huron	Harbor Beach, city of.	H 260570 01	do.	Mayor, 149 North First St., Harbor Beach, Mich. 48441.	Jan. 30, 1976.
Do.	Mason	Pere Marquette, township of.	H 260582 01 through H 260582 08	do.	Township Supervisor, Township of Pere Marquette, Route 1, Ludington, Mich. 49431.	Do.
Do.	Huron	Port Austin, village of.	H 260618 01	do.	Village President, 17 West State St., Port Austin, Mich. 48467.	Do.
Minnesota	Cass	Pillager, city of.	H 270063A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Village Hall, Box 84, Pillager, Minn. 56473.	July 19, 1974.
Do.	Crow Wing	Nisswa, city of.	H 270099A 01 through H 270099A 05	do.	Mayor, City Hall, Nisswa, Minn. 56468.	Aug. 2, 1974. Dec. 5, 1975.
Do.	Pipestone	Holland, city of.	H 270356A 01	do.	Mayor, Holland, Minn. 56139.	Aug. 30, 1974. Dec. 5, 1975.
Missouri	Clay	Mosby, city of.	H 290098A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Village Hall, Main St., Mosby, Mo. 64073.	Oct. 18, 1974. Dec. 5, 1975.
Do.	Crawford	Bourbon, city of.	H 290113A 01 through H 290113A 02	do.	Mayor, City Hall, Bourbon, Mo. 65441.	May 24, 1974. Dec. 5, 1975.
Do.	Dunklin	Senath, city of.	H 290131A 01 through H 290131A 02	do.	Mayor, City Hall, Senath, Mo. 63876.	June 28, 1974. Dec. 5, 1975.
Do.	Franklin	St. Clair, town of.	H 290135A 01 through H 290135A 02	do.	Mayor, City Hall, 570 South Main St., St. Clair, Mo. 63077.	Apr. 12, 1974. Dec. 5, 1975.
Do.	Howell	Willow Springs, city of.	H 290167A 01 through H 290167A 03	do.	Mayor, City Hall, Willow Springs, Mo. 65793.	May 24, 1974. Dec. 5, 1975.
Do.	Jackson	Lee's Summit, city of.	H 290174A 01 through H 290174A 15	do.	Mayor, City Hall, 220 South Main St., Lee's Summit, Mo. 64063.	June 21, 1974. Dec. 5, 1975.
Do.	Lincoln	Silex, village of.	H 290212A 01	do.	Executive Director, Village Hall, Silex, Mo. 63377.	Nov. 22, 1974. Dec. 5, 1975.
Do.	Moniteau	California, city of.	H 290238A 01 through H 290238A 02	do.	Mayor, City Hall, 101 North High St., California, Mo. 65018.	Apr. 5, 1974. Dec. 5, 1975.
Do.	Newton	Seneca, city of.	H 290269A 01 through H 290269A 02	do.	Mayor, City Hall, P.O. Box 485, Seneca, Mo. 64865.	Mar. 22, 1974. Dec. 5, 1975.
Do.	St. Charles	Wentzville, city of.	H 290320A 01 through H 290320A 03	do.	Mayor, City Hall, P.O. Box 308, 9 West Koenig, Wentzville, Mo. 63385.	Apr. 12, 1974.
Do.	St. Louis	Hazelwood, city of.	H 290357A 01 through H 290357A 03	do.	Mayor, City Hall, 9150 Pershall Rd., Hazelwood, Mo. 63042.	Jan. 9, 1974. Dec. 5, 1975.
Do.	Scott	Illmo, city of.	H 290411A 01 through H 290411A 02	do.	Mayor, City Hall, Illmo, Mo. 63754.	May 3, 1974. Dec. 5, 1975.
Do.	Stoddard	Bloomfield, city of.	H 290423A 01 through H 290423A 03	do.	Mayor, City Hall, Bloomfield, Mo. 63825.	Dec. 21, 1973. Dec. 5, 1975.
Montana	Liberty	Chester, town of.	H 300041A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Chester, Mont. 59522.	May 10, 1974. Dec. 5, 1975.
Do.	Madison	Twin Bridges, town of.	H 300045A 01	do.	Mayor, Town Hall, Twin Bridges, Mont. 59754.	Mar. 29, 1974. Dec. 5, 1975.
Do.	Phillips	Malta, city of.	H 300054A 01	do.	Mayor, City Hall, Malta Bend, Mont. 59538.	May 3, 1974. Dec. 5, 1975.
Do.	Pondera	Conrad, city of.	H 300057A 01	do.	Mayor, City Hall, Conrad, Mont. 59425.	June 7, 1974. Dec. 5, 1975.
Do.	Richland	Sidney, city of.	H 300065A 01	do.	Mayor, City Hall, Sidney, Mont. 59270.	May 24, 1974. Dec. 5, 1975.
Do.	Wilbaux	Wilbaux, town of.	H 300084A 01 through H 300084A 02	do.	Mayor, Town Hall, Wilbaux, Mont. 59353.	July 26, 1974.
Do.	Cascade	Cascade, town of.	H 300107A 01	do.	Attorney for the towns of Cascade, Cure, Borer and Lynch, 320 First National Bank Bldg., P.O. Box 2103, Great Falls, Mont. 59403.	Feb. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Nebraska	Cass	Louisville, village of.	H 310031A 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Hall, Louisville, Nebr. 68037.	May 10, 1974. Dec. 5, 1975.
Do	do	Union, village of.	H 310035A 01	do	Chairman, Village Hall, Union, Nebr. 68455.	Oct. 18, 1974. Dec. 5, 1975.
Do	Dawson	Farnam, village of.	H 310061A 01	do	Chairman, Village Hall, Farnam, Nebr. 69029.	Nov. 8, 1974. Dec. 5, 1975.
Do	do	Overton, village of.	H 310064A 01	do	Chairman, Village Hall, Overton, Nebr. 68863.	June 14, 1974. Dec. 5, 1975.
Do	Dodge	Nickerson, village of.	H 310070A 01	do	Chairman, Village Hall, Nickerson, Nebr. 68044.	Jan. 23, 1974.
Do	Gage	Blue Springs, village of.	H 310092A 01 through H 310092A 02	do	Mayor, Village Hall, Blue Springs, Nebr. 68318.	Jan. 9, 1974. Dec. 5, 1975.
Do	Johnson	Tecumseh, city of.	H 310127A 01 through H 310127A 02	do	Mayor, City Hall, Tecumseh, Nebr. 68450.	Jan. 23, 1974. Dec. 5, 1975.
Do	Keith	Brule, village of.	H 310128A 01	do	Mayor, Village Hall, Brule, Nebr. 69127.	May 24, 1974.
Do	Knox	Verdigre, village of.	H 310133A 01	do	Chairman, Village Hall, Verdigre, Nebr. 68783.	June 28, 1974. Dec. 5, 1975.
Do	Phelps	Holdrege, city of.	H 310173A 01 through H 310173A 06	do	Mayor, City Hall, Holdrege, Nebr. 68949.	June 7, 1974. Dec. 5, 1975.
Do	Pierce	Pierce, city of.	H 310174A 01	do	Mayor, City Hall, Pierce, Nebr. 68767.	Apr. 5, 1974. Dec. 5, 1975.
Do	Platte	Lindsay, village of.	H 310177A 01	do	Mayor, Village Hall, Lindsay, Nebr. 68644.	Nov. 8, 1974. Dec. 5, 1975.
New Mexico	Grant	Bayard, village of.	H 350019A 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, Box 43, Village Hall, Bayard, N. Mex. 88023.	Aug. 30, 1974. Dec. 5, 1975.
New York	Jefferson	Champion, town of.	H 360328B 01 through H 360328B 13	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Champion, 6174 Broad St., Carthage, N.Y. 13619.	May 31, 1974. Feb. 7, 1975.
Do	do	Hounsfield, town of.	H 360340 01 through H 360340 08	do	Town Supervisor, Town of Hounsfield, Rural Delivery, Sackets Harbor, N.Y. 13685.	Jan. 30, 1976.
Do	do	Alexandria, town of.	H 360326A 01 through H 360326A 06	do	Town Supervisor, Town of Alexandria, Town Hall, Alexandria Bay, N.Y. 13607.	May 31, 1974. Dec. 5, 1975.
Do	do	Philadelphia, village of.	H 360348A 01	do	Mayor, 26 Sand St., Philadelphia, N.Y. 13673.	May 17, 1974. Dec. 5, 1975.
Do	do	Theresa, village of.	H 360352A 01	do	Mayor, 307 Mill St., Theresa, N.Y. 13691.	May 10, 1974. Dec. 5, 1975.
Do	Monroe	Scottsville, village of.	H 360434A 01	do	Mayor, Village Bldg., Main St., Scottsville, N.Y. 14546.	Mar. 8, 1974. Dec. 5, 1975.
Do	Orange	Chester, town of.	H 360870A 01 through H 360870A 07	do	Town Supervisor, Town Hall, 23 Main St., Chester, N.Y. 10918.	Apr. 12, 1974. Dec. 5, 1975.
Do	Wayne	Palmyra, town of.	H 360974A 01 through H 360974A 04	do	Town Supervisor, Bear Hill Dr., Palmyra, N.Y. 14522.	Apr. 5, 1974. Dec. 5, 1975.
Do	Orleans	Barre, town of.	H 361253A 01 through H 361253A 07	do	Town Supervisor, Town of Barre, 5306 Oak Orchard Rd., Elba, N.Y. 14058.	Oct. 25, 1974. Dec. 5, 1975.
Do	Ulster	New Paltz, village of.	H 361544A 01	do	Mayor, Village of New Paltz, 25 Caltattekill Rd., New Falls, N.Y. 12561.	Jan. 24, 1975.
Do	Schoharie	Cobleskill, town of.	H 361573A 01 through H 361573A 04	do	Town Supervisor, P.O. Box 457, Cobleskill, N.Y. 12043.	Dec. 20, 1974.
Ohio	Belmont	St. Clairsville, village of.	H 90032A 01	Ohio Department of Natural Resources, Flood Insurance Coor. Bldg., Fountain Square, Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Mun. Bldg., St. Clairsville, Ohio 43950.	June 7, 1974.
Do	Cuyahoga	Highland Heights, city of.	H 390110A 01 through H 390110A 02	do	Mayor, 5827 Highland Rd., Highland Heights, Ohio 44143.	July 25, 1975. Dec. 5, 1975.
Do	Hamilton	Arlington Heights, village of.	H 390307A 01	do	Mayor, Box 13116, Arlington Heights, Ohio 45814.	Feb. 1, 1974. Dec. 5, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oklahoma	Adair	Westville, town of	H 400003A 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Police Department, Town Hall, Westville, Okla. 74965.	Oct. 18, 1974.
Do	Blaine	Okeene, town of	H 400015A 01 through H 400015A 03	do	President of the Board, P.O. Drawer F, Town Hall, Okeene, Okla. 73763.	June 28, 1974. Dec. 5, 1975.
Do	Blaine and Caddo.	Hydro, town of	H 400024A 01	do	Mayor, Town Hall, Hydro, Okla. 73048.	July 26, 1974. Dec. 5, 1975.
Do	Custer	Weatherford, city of.	H 400056A 01 through H 400056A 04	do	Mayor, City Hall, P.O. 569, Weatherford, Okla. 73096.	Mar. 29, 1974. Dec. 5, 1975.
Do	Ottawa	Miami, city of	H 400157A 01 through H 400157A 04	do	City Administrator, P.O. Box 309, 129 5th NW., Miami, Okla. 74354.	Feb. 1, 1974. Dec. 5, 1975.
Do	Pawnee	Cleveland, city of.	H 400162A 01	do	Mayor, City Hall, 100 South Broadway, Cleveland, Okla. 74020.	May 3, 1974. Dec. 5, 1975.
Do	Pittsburg	Quinton, town of	H 400172A 01 through H 400172A 02	do	President, Town Hall, Quinton, Okla. 74561.	Aug. 16, 1974. Dec. 5, 1975.
Do	Pontotoc	Byng, town of	H 400175A 01 through H 400175A 02	do	Mayor, Town Hall, Byng, Okla.	Aug. 30, 1974. Dec. 5, 1975.
Do	Washington	Ramona, town of	H 400222A 01	do	Mayor, Town Hall, Ramona, Okla. 74061.	July 19, 1974. Dec. 5, 1975.
Oregon	Baker	Huntington, city of.	H 410005A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Huntington, Oreg. 97907.	Nov. 30, 1973.
Do	Coos	Myrtle Point, city of.	H 410047A 01	do	Mayor, City Hall, Myrtle Point, Oreg. 97458.	Nov. 23, 1973. Dec. 5, 1975.
Do	Douglas	Elkton, city of	H 410062A 01	do	Mayor, City Hall, Elkton, Oreg. 97436.	Sept. 13, 1974.
Do	do	Riddle, city of	H 410066A 01	do	City Recorder, City Hall, Riddle, Oreg. 97469.	June 7, 1974. Dec. 5, 1975.
Do	Umatilla	Pilot Rock, city of.	H 410212A 01	do	Mayor, City Hall, Pilot Rock, Oreg. 97868.	Nov. 16, 1973. Dec. 5, 1975.
Do	do	Weston, city of	H 410215A 01	do	Mayor, City Hall, Weston, Oreg. 97886.	May 17, 1974. Dec. 5, 1975.
Do	Union	Island City, city of.	H 410220A 01	do	Mayor, City Hall, Island City, Oreg. 97851.	Aug. 30, 1974. Dec. 5, 1975.
Do	Wallowa	Joseph, city of	H 410226A 01	do	Mayor, City Hall, Joseph, Oreg. 97846.	May 24, 1974. Dec. 5, 1975.
Pennsylvania	Erie	Erie, city of	H 420449A 01 through H 420449A 06	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Municipal Bldg., Erie, Pa. 16501.	June 21, 1974. Dec. 5, 1975.
Do	Crawford	East Mead, township of.	H 421566A 01 through H 421566A 08	do	Township Supervisor of East Mead, Rural Delivery No. 2, Guys Mills, Pa. 16327.	Oct. 18, 1974. Dec. 5, 1975.
Texas	San Patricio	Gregory, city of	H 480555A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Consulting Engineer for City of Gregory, Tex., No. 2 Parkdale Plaza, Suite 211, Corpus Christi, Tex. 78411.	June 7, 1974. Dec. 5, 1975.
Utah	Emery	Green River, city of.	H 490062A 01 through H 490062A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Green River, Utah 84525.	June 21, 1974. Dec. 5, 1975.
Do	Sanpete	Moroni, city of	H 490118A 01	do	Mayor, City Hall, Moroni, Utah 84646.	Sept. 6, 1974. Dec. 5, 1975.
Do	Sevier	Richfield, city of	H 490131A 01 through H 490131A 02	do	Mayor, City Hall, Richfield, Utah 84701.	May 24, 1974. Dec. 5, 1975.
Do	Utah	Payson, city of	H 490157A 01	do	Mayor, City Hall, Payson, Utah 84651.	June 28, 1974. Dec. 5, 1974.
Virginia	Independent city	Danville, city of	H 510044A 01 through H 510044A 06	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, P.O. Box 3300, Danville, Va. 24541.	May 31, 1974. Dec. 5, 1975.
Washington	San Juan	Friday Harbor, town of.	H 530150A 01	Department of Ecology, Olympia, Wash. 98501.	Town Attorney c/o Schmidt & Linde, P.O. Box 608, Friday Harbor, Wash. 98250.	Nov. 29, 1974.
Wisconsin	Dane	McFarland, village of.	H 550086A 01 through H 550086A 02	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501. Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Box 22, McFarland, Wis. 53558.	Dec. 17, 1973.
Do	Sawyer	Radisson, village of.	H 550411A 01	do	Village President, Village Hall, Radisson, Wis. 54867.	Sept. 6, 1974. Dec. 5, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alaska	Unorganized borough.	Dillingham, city of.	H 020041A 01 through H 020041A 10	Department of Community and Regional Affairs, Division of Community Planning, Pouch B, Juneau, Alaska 99811. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Assistant City Manager, City Hall, P.O. Box 191, Dillingham, Alaska 99576.	May 31, 1974. Dec. 12, 1975.
Arizona	Coconino	Williams, city of	H 040027A 01 through H 040027A 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, 113 South First St., City Hall, Williams, Ariz. 86046.	Apr. 5, 1974. Dec. 12, 1975.
Arkansas	Cross	Cherry Valley, city of.	H 050057A 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Cherry Valley, Ark. 72324.	Mar. 15, 1974. Dec. 12, 1975.
Do	Desha	McGehee, city of	H 050068A 01 through H 050068A 02	do	Mayor, City Hall, McGehee, Ark. 71654.	Mar. 29, 1974. Dec. 12, 1975.
Do	Phillips	Helena, city of	H 050168A 01 through H 050168A 03	do	Mayor, City Hall, Helena, Ark. 72342.	June 28, 1974. Dec. 12, 1975.
Do	Randolph	Pocahontas, city of.	H 050183A 01 through H 050183A 04	do	Mayor, City Hall, Pocahontas, Ark. 72455.	Nov. 16, 1973. Dec. 12, 1975.
Do	White	Judsonia, city of	H 050236A 01	do	Mayor, City Hall, Judsonia, Ark. 72081.	Feb. 1, 1974. Dec. 12, 1975.
California	Los Angeles	Whittier, city of	H 060169A 01 through H 060169A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	City Engineer, Whittier Civic Center, 13230 East Penn St., Whittier, Calif. 90602.	June 28, 1974. Dec. 12, 1975.
Do	Sacramento	Galt, city of	H 060304A 01	do	Mayor, City Hall, 807 C St., Galt, Calif. 95632.	May 17, 1974. Dec. 12, 1975.
Do	San Mateo	Foster City, city of.	H 060318A 01 through H 060318A 09	do	Mayor, City Hall, 600 Foster City Blvd., Foster City, Calif. 94404.	June 14, 1974.
Do	Santa Clara	Morgan Hill, city of.	H 060346A 01 through H 060346A 06	do	Mayor, City Hall, Morgan Hill, Calif. 95037.	May 31, 1974. Dec. 12, 1975.
Do	do	Palo Alto, city of.	H 060348A 01 through H 060348A 13	do	Director, Public Works, City Hall, Palo Alto, Calif. 94301.	June 28, 1974. Dec. 5, 1975.
Do	Solano	Vallejo, city of	H 060374A 01 through H 060374A 11	do	Director, Public Works Engineer, City Hall, Vallejo, Calif. 94590.	July 19, 1974. Dec. 12, 1975.
Do	Stanislaus	Oakdale, city of	H 060389A 01	do	Mayor, City Hall, 260 North 3d Ave., Oakdale, Calif. 95361.	June 7, 1974. Dec. 12, 1975.
Colorado	El Paso and Teller.	Green Mountain Falls, town of.	H 080062A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, P.O. Box 524, Town Hall, Green Mountain Falls, Colo. 80819.	Aug. 30, 1974. Dec. 12, 1975.
Do	Weld	Nunn, town of	H 080188A 01	do	Mayor, Town Hall, P.O. Box 171, Nunn, Colo. 80648.	Aug. 30, 1974. Dec. 12, 1975.
Delaware	Kent	Camden, town of	H 100003A 01	Delaware Coordinating Agency, Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	President, 27 South Main St., Camden, Del. 19934.	May 24, 1974. Dec. 12, 1975.
Do	do	Felton, town of	H 100008A 01	do	President of Town Council, Felton, Del. 19943.	Aug. 9, 1974. Dec. 12, 1975.
Do	do	Little Creek, town of.	H 100015A 01	do	Mayor, Little Creek, Del. 19961	Aug. 9, 1974. Dec. 12, 1975.
Do	New Castle	Middletown, town of.	H 100024A 01 through H 100024A 02	do	Mayor, 216 North Broad St., Middletown, Del. 19709.	Aug. 2, 1974. Dec. 12, 1975.
Do	Sussex	Bridgeville, town of.	H 100032A 01 through H 100032A 02	do	Mayor, 101 North Main St., Bridgeville, Del. 19933.	June 7, 1974.
Do	do	Frankford, town of.	H 100037A 01	do	Mayor, Rural Delivery No. 3, Box 273, Frankford, Del. 19945.	Sept. 13, 1974.
Do	do	Lewes, city of	H 100041A 01 through H 100041A 02	do	Mayor, Box 227, Lewes, Del. 19958	June 7, 1974. Dec. 12, 1975.
Do	do	Millville, town of	H 100044A 01 through H 100044A 02	do	Mayor, Millville, Del. 19967	Oct. 18, 1974. Dec. 12, 1975.
Do	do	Milton, town of	H 100045A 01	do	Mayor, 106 Union St., Milton, Del. 19968.	Sept. 13, 1974. Dec. 12, 1975.
Do	do	Ocean View, town of.	H 100046A 01	do	Mayor, Route 1, Box 190, Ocean View, Del. 19970.	Aug. 2, 1974. Dec. 12, 1975.
Do	New Castle	Newport, town of	H 100054A 01	do	Mayor, P.O. Box 3053, Newport, Del. 19804.	Dec. 20, 1974. Dec. 12, 1975.
Florida	Okaloosa	Niceville, town of	H 120338A 01 through H 120338A 03	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Manager, 101 Armstrong Ave., Niceville, Fla. 32578.	Sept. 5, 1975. Dec. 12, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
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Georgia	Putnam	Eatonton, city of	H 130218A 01 through H 130218A 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, Box 191, Eatonton, Ga. 41125	Feb. 21, 1975. Dec. 12, 1975.
Idaho	Adams	Council, city of	H 160005A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, P.O. Box 606, Council, Idaho 83612.	May 3, 1974. Dec. 12, 1975.
Do	Benewah	St. Maries, city of	H 160016A 01	do	Mayor, City Hall, 602 College Ave., St. Maries, Idaho 83861.	Feb. 15, 1974. Dec. 12, 1975.
Do	Bonneville	Idaho Falls, city of.	H 160029A 01 through H 160029A 06	do	Mayor, City Hall, P.O. Box 220, Idaho Falls, Idaho 83401.	Feb. 8, 1974. Dec. 12, 1975.
Do	Boundary	Bonners Ferry, city of.	H 160031A 01	do	Mayor, City Hall, P.O. Box 149, Bonners Ferry, Idaho 83805.	June 28, 1974.
Do	Butte	Arco, city of	H 160034A 01	do	Mayor, City Hall, 132 Grand Ave., Arco, Idaho 83213.	June 28, 1974. Dec. 12, 1975.
Do	Nez Perce	Culdesac, city of	H 160102A 01	do	Mayor, City Hall, P.O. Box 128, Culdesac, Idaho 83524.	Oct. 18, 1973. Dec. 12, 1975.
Do	Valley	Donnelly, city of	H 160121A 01	do	Mayor, City Hall, Donnelly, Idaho 83615.	Sept. 6, 1974.
Do	Washington	Weiser, city of	H 160124A 01 through H 160124A 03	do	Mayor, City Hall, 55 West Idaho St., Weiser, Idaho 83672.	June 21, 1974. Dec. 12, 1975.
Illinois	Cook	Hazel Crest, village of.	H 170102B 01 through H 170102B 02	Governor's Task Force on Flood Control, 300 North State St., Room 1010, Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 1818 West 170th St., Hazel Crest, Ill. 60429.	June 28, 1974. July 11, 1975.
Do	Sangamon	Loami, village of	H 170795A 01	do	Village President, Village Hall, Loami, Ill. 62661.	Mar. 29, 1974.
Indiana	Dearborn	Greendale, town of.	H 180040A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Town of Greendale, 510 Ridge, Lawrenceberg, Ind. 47025.	Jan. 16, 1974. Dec. 12, 1975.
Do	Steuben	Clear Lake, town of.	H 180247A 01	do	Town Board, Town of Clear Lake, Rural Route No. 3, Fremont, Ind. 46737.	Dec. 6, 1974. Dec. 12, 1975.
Iowa	Butler	Dumont, city of	H 190036A 01 through H 190036A 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Dumont, Iowa 50625.	May 24, 1974. Dec. 12, 1975.
Kansas	Atchinson	Atchinson, city of.	H 200010A 01 through H 200010A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 515 Kansas Ave., Atchinson, Kans. 66002.	Feb. 8, 1974. Dec. 12, 1975.
Do	Bourbon	Fort Scott, city of.	H 200023A 01 through H 200023A 02	do	Mayor, City Hall, Fort Scott, Kans. 66708.	Jan. 9, 1974. Dec. 12, 1975.
Do	Decatur	Oberlin, city of	H 200073A 01	do	Mayor, City Hall, 107 West Commercial, Oberlin, Kans. 67749.	Jan. 9, 1974. Dec. 12, 1975.
Do	Dickenson	Abilene, city of	H 200074A 01	do	Mayor, City Hall, Abilene, Kans. 67410.	Jan. 9, 1974. Dec. 12, 1975.
Do	do	Solomon, city of	H 200077A 01	do	Mayor, City Hall, 116 West Main, Solomon, Kans. 67480.	Jan. 9, 1974. Dec. 12, 1975.
Do	Rice	Lyons, city of	H 200295A 01	do	Mayor, City Hall, 217 East Ave., South, Lyons, Kans. 67554.	Feb. 15, 1974. Dec. 12, 1975.
Louisiana	Allen Parish	Oakdale, city of	H 220011A 01 through H 220011A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Oakdale, La. 71463	Nov. 28, 1973. Dec. 12, 1975.
Do	Bossier Parish	Bossier City, city of.	H 220033A 01 through H 220033A 21	do	Mayor, City Hall, Bossier City, La. 71010.	June 28, 1974. Dec. 12, 1975.
Do	Catahoula Parish	Harrisonburg, village of.	H 220048A 01	do	Mayor, Village Hall, Harrisonburg, La. 71340.	Dec. 28, 1973. Dec. 12, 1975.
Do	Franklin Parish	Baskin, village of.	H 220072A 01 through H 220072A 02	do	Mayor, Village Hall, Baskin, La. 70515.	May 24, 1974. Dec. 12, 1975.
Do	Rapides Parish	Boyce, town of	H 220147A 01	do	Mayor, Town Hall, Boyce, La. 71409	Apr. 5, 1974.
Do	St. Tammany Parish.	Covington, city of.	H 220200A 01 through H 220200A 04	do	Mayor, City Hall, Covington, La. 70433.	Dec. 28, 1973. Dec. 12, 1975.
Do	Tangipahoa Parish.	Tangipahoa, village of.	H 220213A 01	do	Mayor, Village Hall, Tangipahoa, La. 70465.	Aug. 30, 1974. Dec. 12, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Maryland	Queen Anne's and Kent.	Millington, town of.	H 240008A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Town Office, Millington, Md. 21651.	Aug. 9, 1974. Dec. 12, 1975.
Michigan	Mason	Hamlin, township of.	H 260134A 01 through H 260134A 10	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Supervisor, Township of Hamlin, Box 100, Ludington, Mich. 49431.	Aug. 23, 1974. Dec. 12, 1975.
Minnesota	Martin	Fairmont, city of	H 270276A 01 through H 270276A 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 114 East First St., Fairmont, Minn. 56031.	June 7, 1974. Dec. 12, 1975.
Mississippi	Madison	Madison, town of	H 280229A 01 through H 280229A 04	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, 100 Main St., Madison, Miss. 39110.	Dec. 13, 1974. Dec. 12, 1975.
Missouri	Adair	Novinger, city of	H 290003A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Novinger, Mo. 63559.	June 7, 1974. Dec. 12, 1975.
Do	Cass	Archie, city of	H 290061A 01 through H 290061A 02	do	Mayor, City Hall, Archie, Mo. 64725.	June 7, 1974. Dec. 12, 1975.
Do	Dunklin	Hornersville, city of.	H 290128A 01	do	Mayor, City Hall, Hornersville, Mo. 63855.	Mar. 29, 1974. Dec. 12, 1975.
Do	Jackson	Levasy, city of	H 290175A 01 through H 290175A 05	do	Mayor, City Hall, Levasy, Mo. 64066.	Dec. 20, 1974. Dec. 12, 1975.
Do	Lewis	Canton, city of	H 290204A 01 through H 290204A 04	do	Mayor, City Hall, 124 North 5th St., Canton, Mo. 63435.	Jan. 16, 1974. Dec. 12, 1975.
Do	Macon	Macon, city of	H 290220A 01 through H 290220A 03	do	Mayor, City Hall, Macon, Mo. 63552.	June 7, 1974. Dec. 12, 1975.
Do	New Madrid	Matthews, city of	H 290254A 01 through H 290254A 02	do	Mayor, City Hall, Matthews, Mo. 63867.	May 17, 1974. Dec. 12, 1975.
Do	do	Portageville, city of.	H 290259A 01 through H 290259A 02	do	Mayor, City Hall, 301 East Main, Portageville, Mo. 63873.	Jan. 9, 1974. Dec. 12, 1975.
Do	Oregon	Koshkonong, city of.	H 290266A 01	do	Mayor, City Hall, Box 308, Koshkonong, Mo. 65692.	Sept. 6, 1974. Dec. 12, 1975.
Do	Shannon	Eminence, city of	H 290418A 01	do	Mayor, City Hall, Eminence, Mo. 65466.	May 31, 1974. Dec. 12, 1975.
Montana	Big Horn	Lodge Grass, town of	H 300002A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Town Hall, Lodge Grass, Mont. 59050.	May 31, 1974.
Nebraska	Antelope	Elgin, village of	H 310002A 01 through H 310002A 02	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Hall, Elgin, Nebr. 68636.	Mar. 22, 1974. Dec. 12, 1975.
Do	Boone	St. Edward, city of.	H 310010A 01 through H 310010A 02	do	Chairman, City Hall, St. Edward, Nebr. 68660.	Jan. 16, 1974. Dec. 12, 1975.
Do	Burt	Tekamah, city of	H 310024A 01	do	Mayor, City Hall, Tekamah, Nebr. 68450.	Mar. 15, 1974. Dec. 12, 1975.
Do	Butler	Linwood, village of.	H 310028A 01	do	Chairman, Village Hall, Linwood, Nebr. 68036.	Oct. 25, 1974.
Do	Custer	Sargent, city of	H 310052A 01	do	Mayor, City Hall, Sargent, Nebr. 68874.	May 24, 1974. Dec. 12, 1975.
Do	Dawes	Crawford, city of	H 310056A 01 through H 310056A 02	do	Mayor, City Hall, Crawford, Nebr. 69339.	June 28, 1974. Dec. 12, 1975.
Do	Hall	Cairo, village of	H 310101A 01	do	Chairman, Village Hall, Cairo, Nebr. 68824.	May 24, 1974. Dec. 12, 1975.
Do	do	Wood River, city of.	H 310104A 01	do	Mayor, City Hall, Wood River, Nebr. 68883.	May 31, 1974. Dec. 12, 1975.
Do	Lancaster	Raymond, village of.	H 310138A 01	do	Councilman, Village Hall, Raymond, Nebr. 68428.	Oct. 18, 1974. Dec. 12, 1975.
Do	Nemaha	Brock, village of	H 310155A 01	do	Chairman, Village Hall, Brock, Nebr. 68320.	Aug. 16, 1974. Dec. 12, 1975.
Do	Seward	Milford, city of	H 310209A 01 through H 310209A 02	do	Mayor, City Hall, Milford, Nebr. 68405.	Jan. 16, 1974. Dec. 12, 1975.
Do	Sherman	Loup City, city of.	H 310215A 01 through H 310215A 02	do	Mayor, City Hall, Loup City, Nebr. 68853.	Apr. 5, 1974. Dec. 12, 1975.
Do	Thayer	Hebron, city of	H 310219A 01 through H 310219A 02	do	Mayor, City Hall, Hebron, Nebr. 68370.	Jan. 23, 1974. Dec. 12, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
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New Jersey	Middlesex	South Amboy, city of.	H 340277A 01 through H 340277A 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Councilman, City Hall, South Amboy, N.J. 08879.	Feb. 1, 1974. Dec. 12, 1975.
New Mexico	Hidalgo	Lordsburg, city of.	H 350026A 01 through H 350026A 04	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, 206 South Main, Lordsburg, N. Mex. 88045.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lea	Eunice, city of	H 350028A 01	do	Mayor, 1016 Avenue J, Box 147, City Hall, Eunice, N. Mex. 88231.	Aug. 30, 1974. Dec. 12, 1975.
Do	Rio Arriba	Chama, village of.	H 350050A 01	do	Mayor, P.O. Box 425, Village Hall, Chama, N. Mex. 87520.	Aug. 16, 1974. Dec. 12, 1975.
Do	Roosevelt	Portales, city of	H 350054A 01 through H 350054A 02	do	Mayor, 100 West 1st St., City Hall, Portales, N. Mex. 88130.	Mar. 29, 1974. Dec. 12, 1975.
Do	Torrance	Estancia, town of.	H 350082A 01	do	Mayor, Box 166, Town Hall, Estancia, N. Mex. 87016.	June 14, 1974. Dec. 12, 1975.
New York	Allegany	Fillmore, village of.	H 360030A 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, 15 Torpey St., Fillmore, N.Y. 14735.	Feb. 1, 1974. Dec. 12, 1975.
Do	Broome	Union, town of	H 360056 01 through H 360056 09	do	Town Supervisor, Town of Union, 3111 East Main St., Endwell, N.Y. 13760.	Feb. 6, 1976.
Do	Delaware	Hobart, village of.	H 360204A 01	do	Mayor, P.O. Box 281, Hobart, N.Y. 13788.	May 24, 1974. Dec. 12, 1975.
Do	Herkimer	Little Falls, city of.	H 360310A 01 through H 360310A 02	do	Mayor, City Hall, Little Falls, N.Y. 13365.	Mar. 8, 1974. Dec. 12, 1975.
Do	Jefferson	Clayton, town of	H 360330A 01 through H 360330A 07	do	Town Supervisor, Town Hall, Clayton, N.Y. 13624.	June 14, 1974. Dec. 12, 1975.
Do	do	Herrings, village of.	H 360339A 01	do	Mayor, Village Hall, Herrings, N.Y. 13653.	Aug. 9, 1974. Dec. 12, 1975.
Do	do	Leray, town of	H 360341A 01 through H 360341A 10	do	Town Supervisor, Town of Leray, 171 Maple, Black River, N.Y. 13612.	June 28, 1974. Dec. 12, 1975.
Do	do	Pamelia, town of.	H 360346A 01 through H 360346A 03	do	Town Supervisor, Town of Pamelia, Rt., Watertown, N.Y. 13601.	Oct. 18, 1974.
Do	Onondaga	Marcellus, village of.	H 360586A 01	do	Mayor, 6 Slocombe Ave., Marcellus, N.Y. 13108.	Apr. 12, 1974.
Do	Warren	Chester, town of	H 360609 01 through H 360609 13	do	Town Supervisor, Town of Chester, Town Hall, Chestertown, N.Y. 12817.	Feb. 6, 1976.
Do	Orange	Cornwall, village of.	H 360610A 01 through H 360610A 05	do	Mayor, Village of Cornwall, 3 River Dr., Cornwall on Hudson, N.Y. 12520.	Mar. 8, 1974. Dec. 12, 1975.
Do	do	Montgomery, village of.	H 360624A 01 through H 360624A 03	do	Mayor, 133 Clinton St., P.O. Box 116, Montgomery, N.Y. 12549.	Mar. 15, 1974. Dec. 12, 1975.
Do	Orleans	Albion, town of	H 361252A 01 through H 361252A 08	do	Town Supervisor, Rural Delivery, Albion, N.Y. 14411.	Oct. 25, 1974. Dec. 12, 1975.
Do	do	Shelby, town of	H 361258A 01 through H 361258A 11	do	Town Supervisor, Town of Shelby, Maple Ridge Rd., Medina, N.Y. 14103.	Nov. 8, 1974. Dec. 12, 1975.
North Dakota	Burke	Columbus, city of.	H 380015A 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Columbus, N. Dak. 58727.	June 21, 1974. Dec. 12, 1975.
Do	Walsh	Park River, city of.	H 380139A 01	do	Mayor, P.O. Box 32, City Hall, Park River, N. Dak. 58270.	May 24, 1974. Dec. 12, 1975.
Do	Williams	Tioga, city of	H 380147A 01	do	President, P.O. Box 218, Tioga, N. Dak. 58852.	June 28, 1974. Dec. 12, 1975.
Ohio	Erie	Huron, city of	H 390154A 01 through H 390154A 03	Ohio Department of Natural Resources, Fountain Square, Flood Insurance Coord. Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	City Manager, Box 327, Huron, Ohio 44839.	Feb. 1, 1974. Dec. 12, 1975.
Do	Lake	Willowick, city of.	H 390324A 01 through H 390324A 02	do	Mayor, 31230 Vine St., Willowick, Ohio 44094.	Aug. 15, 1975.
Do	Williams	Bryan, city of	H 390580A 01 through H 390580A 03	do	Mayor, P.O. Box 190, Bryan, Ohio 43506.	June 7, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oklahoma	Caddo	Lookeba, town of.	H 400025A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, Lookeba, Okla. 73053.	Oct. 25, 1974. Dec. 12, 1975.
Do	Muskogee	Taft, town of	H 400128A 01	do	Mayor, Town Hall, Taft, Okla. 74463	June 28, 1974. Dec. 12, 1975.
Do	Osage	Fairfax, town of	H 400150A 01 through H 400150A 02	do	President, Town Hall, 150 East Elm, P.O. Box 399, Fairfax, Okla. 74637.	Dec. 28, 1973. Dec. 12, 1975.
Do	Ottawa	Wyandotte, town of.	H 400161A 01	do	Clerk-Treasurer, Town Hall, Wyandotte, Okla. 74370.	June 28, 1974. Dec. 12, 1975.
Do	Rogers	Chelsea, city of	H 400187A 01	do	President, City Hall, 600 Walnut St., P.O. Box 48, Chelsea, Okla. 74016.	Dec. 28, 1973. Dec. 12, 1975.
Do	Sequoyah	Vian, town of	H 400200A 01	do	President of the Board, P.O. Box 246, Town Hall, Vian, Okla. 74962.	May 3, 1974.
Do	Woods	Dacoma, town of	H 400226A 01	do	Mayor, Town Hall, Dacoma, Okla. 73731.	Nov. 8, 1974. Dec. 12, 1975.
Do	Grant	Canyon City, city of.	H 410075A 01	do	Mayor, City Hall, Canyon City, Okla. 97820.	Dec. 17, 1973. Dec. 12, 1975.
Do	Malheur	Vale, city of	H 410153A 01	do	Mayor, City Hall, Vale, Okla. 97918	Nov. 30, 1973.
Do	Marion	Gervais, city of	H 410160A 01	do	Mayor, City Hall, Gervais, Okla. 97026.	June 28, 1974. Dec. 12, 1975.
Do	Polk	Falls City, city of	H 410188A 01	do	City Recorder, City Hall, Falls City, Okla. 97344.	May 10, 1974.
Pennsylvania	Centre	Harris, township of.	H 420262A 01 through H 420262A 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Chairman, Township Board of Supervisors, Township of Harris, P.O. Box 20, Boalsburg, Pa. 16827.	June 28, 1974. Dec. 12, 1975.
Do	Bradford	Granville, township of.	H 421066A 01 through H 421066A 02	do	Chairman, Township Supervisors, Township of Granville, Rural Delivery No. 1, Granville Summitt, Pa. 16926.	July 26, 1974.
Texas	Nueces	Bishop, city of	H 480505A 01 through H 480505A 03	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Programer Planner, P.O. Box 356, City Hall, Bishop, Tex. 78343.	Feb. 1, 1974. Dec. 12, 1975.
Utah	Emery	Orangeville, city of.	H 490064A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Orangeville, Utah 84537.	June 7, 1974. Dec. 12, 1975.
West Virginia	Kanawha	Unincorporated areas.	H 540070A 01 through H 540070A 30	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25305.	County Commissioners President, Kanawha County, Courthouse, Charleston, W. Va. 25301.	Apr. 25, 1975. Dec. 12, 1975.
Wisconsin	Barron	Cumberland, city of.	H 550013A 01 through H 550013A 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, City Hall, Cumberland, Wis. 54829.	May 31, 1974. Dec. 12, 1975.
Do	Vernon	Chaseburg, village of.	H 550451A 01	do	Village President, Chaseburg, Wis. 54621.	Dec. 28, 1973.
Do	Waukesha	New Berlin, city of.	H 550487B 01 through H 550487B 12	do	Mayor, City Hall, New Berlin, Wis. 53168.	June 21, 1974. Sept. 26, 1975. Dec. 12, 1975.
Wyoming	Sweetwater	Rock Springs, city of.	H 560051A 01 through H 560051A 05	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Director, Department of Engineering, Planning, and Community Development, P.O. Box 608, Rock Springs, Wyo. 82901.	May 31, 1974. Dec. 12, 1975.

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

Issued: December 8, 1975.

FRANCIS REILLY,
Acting Federal
Insurance Administrator.

[FR Doc.75-34463 Filed 12-23-75;8:45 am]

Title 40—Protection of Environment

[FRL 472-8]

PART 40—ORE MINING AND DRESSING POINT SOURCE CATEGORY

Extension of Comment Period

On November 6, 1975, (40 FR 51722) the Environmental Protection promulgated interim effluent limitations and guidelines for existing sources in the Ore Mining and Dressing Point Source Category, pursuant to §§ 301 and 304 of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., 86 Stat. 816). The notice of promulgation of these interim regulations solicited comments from interested persons and specified that such comments would be due not later than December 8, 1975.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that many members of the affected industry operate in isolated areas, and additional time is needed for them to provide meaningful comments. Accordingly, the Environmental Protection Agency has decided to grant a thirty day extension of the deadline. The date for submission of comments is hereby extended to and including January 7, 1976.

December 8, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-34737 Filed 12-23-75;8:45 am]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 471-1]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

North Dakota Plan Revisions

On May 31, 1972 (37 FR 10885), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated the North Dakota State Implementation Plan (SIP).

On June 14, 1973, the Governor of North Dakota submitted compliance schedules for 24 sources of air contaminants. No action was taken to approve these schedules because some of the schedules extended beyond the February 1, 1975, attainment date for the National Secondary Ambient Air Quality Standards for Particulates. The State of North Dakota Department of Health agreed to submit a clarification through the Governor's office that the Secondary Particulate Attainment Date was also being revised for the North Dakota Intrastate Air Quality Control Region, and supplemental information explaining why it is not reasonable for the affected sources to be in compliance by February 1, 1975.

On February 19, 1974, the Governor of North Dakota submitted revisions to the compliance schedule of one of the 24 sources included in his June 24, 1973, submittal. The Governor also submitted a revision to the North Dakota SIP providing for public notice and comment on new source review approval/disapproval actions as required by 40 CFR 51.18.

The clarification concerning the revision of the Secondary Particulate Standard Attainment Date was submitted by the Governor of North Dakota on November 21, 1974. This submittal changes the attainment date for the National Secondary Ambient Air Quality Standard for Particulates from February 1, 1975, to December 30, 1976, for the North Dakota Intrastate Air Quality Control Region.

The supplemental information explaining why it is not reasonable for the sources whose compliance schedules extend beyond February 1, 1975, to be in compliance by that date was submitted on April 23, 1975, by the North Dakota State Department of Health. This supplemental information also contained 1974 air quality data showing that the North Dakota Intrastate Air Quality Control Region was in compliance with the National Primary Ambient Air Quality Standard for Particulates and that only the National Secondary Ambient Air Quality Standard for Particulates was being violated.

On October 9, 1975 (40 FR 47519), the Administrator proposed to approve the North Dakota SIP revisions and requested the public to comment on the approvability of the revisions. No comments regarding the revisions were received.

The requirements for public hearings, plan revisions, and compliance schedules (40 CFR 51.4, 51.6, and 51.15) have been met by the State's proposed revisions. The compliance schedules have been reviewed and found to be consistent with the approved control strategy and the proposed attainment date for the Secondary Particulate Standard. The supplemental information submitted by the State Department of Health has been reviewed, and a determination has been made that the proposed attainment date of December 30, 1976, for the North Dakota Intrastate AQCR is reasonable in view of the compliance problems of certain sources.

In § 52.1830 below, the final compliance date is listed for each source for which a compliance schedule has been proposed. In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While these incremental dates are not listed in the table, they are set forth in the schedules and are Federally enforceable.

The Administrator finds that the North Dakota SIP revisions meet the substantive and procedural requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, the Administrator approves the North Dakota SIP revisions as set forth in this rulemaking.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the control strategy and compliance schedules are already in effect under State law and Federal approval imposes no new burdens.

(Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857 c-5)

Dated: December 17, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart JJ—North Dakota

1. In § 52.1820, paragraph (c) is added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 14, 1973; February 19 and November 21, 1974, by the Governor of North Dakota, concerning compliance schedules and attainment date revision;

(2) April 23, 1975, by the State Department of Health, stating why sources could not comply by the original attainment date.

§ 52.1823 [Amended]

2. In 52.1823, the table setting forth attainment dates for national standards is revised by replacing the date "Feb. 1975" for the attainment date of the secondary standard for particulate matter in the North Dakota Intrastate Region with the date "Decembr 30, 1976".

3. Section 52.1830 is added as set forth below.

§ 52.1830 Compliance schedules.

(a) The compliance schedules for the sources listed below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

North Dakota

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Montana-Dakota Utility	Mandan	23 to 35	June 1, 1973	Immediately	June 1, 1975
Do	Beulah	do	do	do	Sept. 30, 1975
United Power	Stanton	do	do	do	Jan. 1, 1975
Basin Electric	do	do	do	do	Dec. 1, 1974
Do	Velva	do	do	do	Nov. 1, 1975
Municipal Utility	Valley City	do	do	do	July 1, 1975
Northern States Power	Minot	do	do	do	Dec. 31, 1975
Otter Tail Power	Jamestown	do	do	do	July 31, 1975
Do	Whapeton	do	do	do	Do.
Minnkota Power	Center	do	do	do	Nov. 15, 1974
Do	Grand Forks	do	do	do	Jan. 31, 1974
Consolidated Coal	Velva	do	Dec. 21, 1973	do	Apr. 1, 1975
Husky Ind	Dickinson	do	June 1, 1973	do	Feb. 1, 1975
American Colloid	Gascoyne	do	do	do	July 1, 1973
American Crystal, units 1 and 2	Drayton	do	do	do	Feb. 1, 1975
State Hospital	Jamestown	do	do	do	Jan. 15, 1974
Minot State College	Minot	do	do	do	Jan. 31, 1974
University of North Dakota	Grand Forks	do	do	do	Dec. 30, 1976
North Dakota State University	Fargo	do	do	do	Feb. 28, 1974
Valley City, State College	Valley City	do	do	do	Aug. 31, 1974
North Dakota State University	Bottineau	do	do	do	June 30, 1976
North Dakota State School of Science	Whapeton	do	do	do	Sept. 30, 1974
San Haven Hospital:					
Units 1 and 2	San Haven	do	do	do	Oct. 1, 1974
Incinerators	do	do	do	do	Sept. 15, 1975
North Dakota School for Deaf	Devils Lake	do	do	do	Apr. 1, 1976

[FR Doc.75-34738 Filed 12-23-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-94]

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.8—Mistakes in Bids

Dollar Limitation Increase

This amendment provides for an increase in the dollar limitation applicable to the correction of mistakes in bids alleged or disclosed after contract award in sales of surplus property.

Section 101-45.804 is amended to read as follows:

§ 101-45.804 Mistakes disclosed after award.

* * * * *

(b) * * *

(1) A contract may be rescinded in its entirety where the original total contract amount does not exceed $10,000.

(2) A contract, irrespective of amount, may be reformed (i) by deleting the item or items involved in the mistake where the deletion does not reduce the contract amount by more than $10,000; or (ii) by decreasing the price where the resultant decrease in price does not exceed $10,000 and the reformed contract price is not less than that of the otherwise next high bid under the original invitation for bids.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)).

Effective date. This regulation is effective December 24, 1975.

Dated: December 5, 1975.

JACK ECKERD,
Administrator of General Service.

[FR Doc.75-34639 Filed 12-23-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment of Freedom of Information Rules; Order

1. Section 0.461 (h) and (i) should be amended to make it clear that applications for review of original actions on freedom of information requests should be delivered or mailed to the General Counsel (rather than to the Executive Director or the Secretary).

2. Section 0.461(h)(2) should be amended to make it clear that all applications for review and envelopes containing them (if any) should be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION."

3. Authority for these amendments is contained in Sections 4 (i) and (j), 5(d) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 155(d), and 303(r); in 5 U.S.C. 552; and in § 0.231(d) of the Commission's Rules, 47 CFR 0.231(d). Because the amendments are editorial and procedural in nature, compliance with notice and effective date requirements of 5 U.S.C. 553 is not required.

4. Accordingly, it is ordered, effective December 29, 1975, that the amendments to Part of the Rules set out below are adopted.

Adopted: December 10, 1975.
Released: December 16, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

[SEAL] RICHARD D. LICHTWARDT,
Executive Director.

Section 0.461(h) (1) and (2), and paragraph (i) are revised to read as follows:

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

* * * * *

(h)(1) If a request for inspection of records submitted to the Commission in confidence under § 0.457(d) or 0.459 is granted, an application for review of the action may be filed only by the person who submitted the records to the Commission. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed. If an application for review is not filed within this period, the records will be produced for inspection.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, he shall serve it on the other. Responses may be filed within 10 working days after the application(s) for review is filed. If both persons file, or if an application for review is filed only by the person who filed the request for inspection of records, the application(s) will be acted on within 20 working days after the application filed by the person who requested the records is filed. If an application for review is filed only by the person who submitted the records to the Commission, it will be acted on within 20 days after it is filed. The time for filing applications for review and responses may be reduced on notice, if necessary to act on the request within the 20 day period. If an application for review is not filed within this period by the person who submitted the records to the Commission, the partial grant will be implemented.

* * * * *

(i) Except as provided in paragraph (h) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of the records, and shall be captioned, "REVIEW OF FREEDOM OF INFORMATION ACTION." The envelope

(if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. See paragraph (h) of this section. (For general procedures relating to applications for review, see § 1.115 of this chapter.)

* * * * *

[FR Doc. 75-34653 Filed 12-23-75; 8:45 am]

[Docket No. 20361; RM-2408]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations (Salinas-Monterey, California); Report and Order

Adopted: December 16, 1975: Released: December 18, 1975

1. The Commission, by the Chief, Broadcast Bureau, has under consideration its *Notice of Proposed Rule Making*, adopted February 14, 1975, 49 Fed. Reg. 8231, inviting comments on a proposal to assign TV Channel 35 to Salinas-Monterey, California. Such an assignment may be made without affecting existing channel assignments. The proceeding was initiated in response to a petition filed by Associates for Creative Enterprise in Media (ACE Media). Comments were filed only by the petitioner. No reply comments were filed.

2. The Salinas-Monterey SMSA (pop. 139,163) [1] is composed of Salinas (pop. 58,896), Monterey (pop. 26,302) and neighboring communities of Seaside (pop. 35,935), Pacific Grove (pop. 13,505) and Carmel-by-the-Sea (pop. 4,525). Present assignments to Salinas-Monterey are Channels 8, 46, *56, and 67. Current locally originated service is provided by Stations KSBW (Channel 8) and KMST (Channel 46). An application for use of Channel 67 is pending (BPET-464). Station K56AA, a translator, operates on Channel *56, rebroadcasting signals originated by Station KTEH, Channel *54, San Jose; and Station K29AB, a translator operating on Channel 29, rebroadcasts the programming of Station KGSC-TV, Channel 36, San Jose, California.

3. The *Notice* pointed out that ACE Media, after monitoring local stations for a thirty-day period, alleged that a deficiency of minority-oriented programming exists. Petitioner expressed an intent to serve the needs of minority groups if Channel 35 was assigned and if it received an authorization for its use.

4. The *Notice* took cognizance of comments in opposition to the petition for rule making which had been filed by Continental Urban Television Corporation (Continental) and which were responded to by the petitioner. Continental is licensee of commercial television broadcast station KGSC-TV, Channel 36, San Jose, California, and of UHF television translator station K29AB, Salinas-Monterey, which, as mentioned above, carries the programming of KGSC-TV. Continental's opposition was premised upon the claim that its translator would be unable to continue operating effectively due to interference from the proposed station to the reception of the signal of its primary station by the translator station. In addressing the problem of possible interference, the *Notice* pointed out that according to § 74.702(c)(3) of the Commission's Rules and Regulations "* * * changes in the Television Table of Assignments (§ 73.606(b) of this chapter) may be made without regard to existing or proposed television broadcast translator stations. * * *" Thus, new assignments of TV channels may be made even though they may create interference to existing translator operations. If interference does occur, the translator has the burden of making necessary adjustments. Moreover, as compared to the translator, the proposed Channel 35 facility will potentially serve a much larger area (15,000 square miles) and provide for local origination of public service programming, directly serving the Salinas-Monterey area. Additionally, as mentioned in the *Notice*, the extent of interference to the translator, if it occurs, cannot be determined until such time as a transmitter site for use of Channel 35 is known; and various methods exist for correcting interference in many cases.[2]

5. In its comments, ACE Media reaffirms its intentions to apply for a construction permit and, if granted, to promptly begin construction of a station. Thus, the petitioner has demonstrated its continuing interest in providing increased local public service and minority-oriented programming.[2] The Commission is persuaded that residents of the Salinas-Monterey area will benefit from the assignment of Channel 35 and that the public interest is best served by adopting the proposal put forth in the *Notice*.

6. In view of the foregoing and pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, *it is ordered*, That effective February 2, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's Rules and Regulations is amended with respect to the city listed below to read as follows:

City:	Channel No.
Salinas-Monterey, California.	8+, 35-, 46-, *56, 67-

7. *It is further ordered*, That this proceeding IS TERMINATED.

Released: December 18, 1975.

Adopted: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-34654 Filed 12-23-75;8:45 am]

[1] All population figures are from the 1970 U.S. Census.

[2] It appears that Channel 35 is the only TV channel that can be assigned to Salinas-Monterey in conformity with spacing separation requirements and without affecting existing assignments in the Table of Assignments.

[2] Other parties, of course, may apply for use of the channel.

[Docket No. 20325; RM-2335, et al.]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Second Report and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (*Payson, Ariz.*; Pauls Valley, Okla.; Pine City, Minn.; Prattville, Ala.; Center, Tex.; *Lake Arrowhead, Calif.*; Bloomfield, Ind.; Providence, Ky.; Bethany, Mo.; Pulaski, N.Y.; Soldotna-Kenai, Alaska; Clear Lake, La.; and Silverton, Colorado) (Docket No. 20325; *RM-2335;* RM-2435; RM-2387; RM-2437; RM-2392; RM-2441; RM-2400; RM-2453; RM-2402; RM-2458; *RM-2414;* RM-2459; RM-2433.

1. In a *First Report and Order* released May 1, 1975, 40 FR 19199, the Commission disposed of all the matters before it except RM-2335 and RM-2414. In each of these cases, petitioner seeks the assignment of a first FM channel (Class A) to a community without requiring any other changes in the FM Table of Assignments. Each assignment can be made in conformance with the Commission's minimum mileage separation rule. Both petitioners state their intention to apply for the channel, if assigned, and to build a station, if authorized. There were no oppositions to the proposals. Supporting comments were filed by the respective petitioners.

2. *RM-2335, Payson, Arizona.* Charles W. Carpenter (petitioner) filed a petition on February 26, 1974, proposing the assignment of Channel 280A to Payson, Arizona. Payson (population 1,490) [1] is located in Gila County (population 29,255), some 65 miles northeast of Phoenix, Arizona. Payson has no local broadcast facilities. Petitioner states that radio stations in Phoenix, Flagstaff and Show Low can be received in Payson but, because of the mountainous area, reception is poor during the daylight hours and almost nonexistent after the sun sets, and thus there is a need for a local broadcast facility.

3. *RM-2414, Lake Arrowhead, California.* Arrowhead Broadcasting Co.

[1] Population figures are from the 1970 U.S. Census.

(petitioner) filed a petition on May 22, 1974, proposing the assignment of Channel 280A to Lake Arrowhead, California. Lake Arrowhead (population 2,682) is located in San Bernardino County (population 684,072) some 10 miles southeast of San Bernardino, California. Petitioner points out that, although AM and FM signals are received from San Bernardino and other cities in the general vicinity, Lake Arrowhead has no local AM or FM transmission service, and that the mountainous terrain tends to block FM signals and give higher than normal attenuation of AM signals.

4. In the *Notice* we set out economic and other information pertaining to the need for a first FM assignment in each of the two communities. That information is accepted as being substantially correct and will not be repeated here. We believe that each of the communities appears to warrant the proposed assignment since they have no local broadcast facilities and that adoption of the proposals would serve the public interest.

5. Under the terms of the United States-Mexico FM Broadcasting Agreement, the appropriate representatives of the United Mexican States have indicated that there are no technical objections to the proposed channel assignments.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

7. Accordingly, *it is ordered*, That effective January 30, 1976, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, is amended to include the cities listed below:

City:	Channel No.
Arizona: Payson	280A
California: Lake Arrowhead	280A

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Released: December 12, 1975.

Adopted: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-34655 Filed 12-23-75;8:45 am]

[FCC 75-1337]

PART 97—AMATEUR RADIO SERVICE

Procedures for Renewal of Amateur Radio Service Licenses; Order

1. The Commission intends by this Order to simplify procedures involved in the renewal of Amateur Radio Service licenses. We are deleting that part of § 97.13(a) of the Commission's Rules requiring an applicant renewing his Amateur license to state he has met certain code speed and operating time requirements.

2. Under § 97.13(a) of the Rules an Amateur applicant seeking to renew his operator's license must meet two requirements. He must state he has lawfully accumulated either two hours operating time during the last three months or five hours operating time during the last twelve months of his license term at an Amateur station licensed by the Commission. He must also state he is able to send and receive International Morse Code at a speed not less than that at which he qualified for the license being renewed.

3. We believe § 97.13(a) to be unduly restrictive. Under the Commission's continuing program of deregulation of the Amateur Radio Service we are attempting to eliminate useless and unnecessary regulations, and the requirments of § 97.13(a) are both. Occasionally, otherwise well qualified licenses have been unable to meet the strict requirements of § 97.13(a) because of circumstances beyond their control.

4. The Commission believes the imposition of operating time and code speed requirements for renewal of an Amateur license constitutes an unjustifiable burden on a class of people already shown by Commission examination to be qualified to operate an Amateur radio station. We perceive no purpose to be served in depriving a person of his license because of a Rule never shown to have any beneficial effect whatsoever. No one has ever demonstrated that any identifiable relationship exists between the requirements of § 97.13(a) and an individual's competence as a radio Amateur.

5. Therefore, for the reasons cited in the preceding paragraphs we are deleting all of § 97.13(a) except that part stating an Amateur license may be renewed upon proper application.

6. Authority for this amendment appears in §§ 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and procedure provisions of the Administrative Procedure Act 5 U.S.C. § 553, are unnecessary because the Commission believes the minor amendment adopted herein will have an insignificant impact on Amateur licensees and the public at large, and that no objection to such an amendment will be received. Since the amendment relieves a rule restriction, the effective date may be immediate, pursuant to the Administrative Procedure Act.

7. In view of the foregoing, *it is ordered* that the Rule amendment as set forth below shall be adopted, effective December 24, 1975.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 9, 1975.

Released: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 97.13(a) is amended and note deleted to read as follows:

§ 97.13 Renewal or modification of operator license.

(a) An Amateur operator license, except the Novice Class, may be renewed upon proper application.

* * * * *

[FR Doc.75-34656 Filed 12-23-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 2 to service order No. 1212]

PART 1033—CAR SERVICE

Union Pacific Railroad Company Authorized To Operate Over Tracks of Great Plains Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of December, 1975.

Upon further consideration of Service Order No. 1212 (40 FR 19827, 27941), and good cause appearing therefor:

It is ordered, that:

§ 1033.1212 Union Pacific Railroad Company authorized to operate over tracks of Great Plains Railway Company.

Service Order No. 1212 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroad subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34733 Filed 12-23-75;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 18—MARINE MAMMALS

Subpart F—Approval of State Laws and Regulations

On February 13, 1975, a document was published in the FEDERAL REGISTER (40 FR 6664) proposing to amend Part 18, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, by (1) the addition of a new subpart F to the table of sections, (2) the addition of a new § 18.32 entitled "Waiver of the Moratorium", (3) the addition of a new subpart F entitled "Waiver of the Moratorium; State Laws and Regulations," and (4) the amendment of § 18.23 entitled "Native exceptions."

The proposal contained a detailed description of each of the four elements of the proposal, gave notice of the availability of the State of Alaska's regulations concerning Pacific walrus and the statements required by section 103(d)(1)–(4) of the Marine Mammal Protection Act of 1973 ("the Act"), set forth a concise summary of procedures and a reference to the procedural regulations which would be applicable to a hearing concerning the proposal, and gave notice of the times and places where a prehearing conference and subsquent hearing would be held if requested as well as the name and address of the Presiding Officer and the means by which participation in a hearing could be secured.

At the request of interested parties, a hearing was held in two stages. The first stage was held in Anchorage, Alaska, on March 18–22, 1975, at which the proponents presented their case in support of the proposed cooperative State/Federal conservation program. At the second stage held in Arlington, Virginia, on April 8 and 9, 1975, the opponents and the Marine Mammal Commission were afforded an opportunity to voice their objections and to make their suggestions for changes, additions, and modifications to the proposal. Forty-five documentary exhibits and the testimony of fourteen witnesses were received in evidence; a total of 1,152 pages of transcript were amassed. Six parties proponent, three parties opponent supported by a number of affiliated groups, and one non-aligned party, the Marine Mammal Commission, actually participated in the proceeding.

Presiding Officer Joseph B. Kennedy, in a recommended decision issued on July 10, 1975, found that waiver of the moratorium on the taking of Pacific walrus was appropriate and that, subject to suggested changes in the proposed regulations and the State's management program, the cooperative State/Federal management program for Pacific walrus should be promulgated. [In Re: Waiver of the Moratorium on Walrus Under Regulations for a cooperative State/Federal Conservation Program, Docket No. Wash. 75–1, July 10, 1975.] The United States Fish and Wildlife Service excepted to certain recommendations made by the Presiding Officer concerning the Federal regulations, the State management program, and the contents of a new subpart which was suggested by the decision. [Exceptions to Recommended Decision on Behalf of United States Fish and Wildlife Service, Docket No. Wash. 75–1, July 31, 1975]. Exceptions to the recommended decision were also filed by the Environmental Defense Fund, Project Monitor, Inc., and affiliated groups; Friends of Animals, Inc., Committee for Humane Legislation; The Alaska Professional Hunters Association; the Marine Mammal Commission; and the State of Alaska. Copies of the Presiding Officer's decision and of the exceptions filed thereto are available for public inspection at the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203, or may be obtained by writing to the Director, U. S. Fish and Wildlife Service, Washington, D.C. 20240.

On December 2, 1975, the Director of the U.S. Fish and Wildlife Service issued a final decision in the proceeding concerning waiver of the moratorium on the taking of Pacific walrus. That decision is published simultaneously with these regulations. As part of the Director's decision, the proposed regulations are modified in accordance with the recommended decision of the Presiding Officer, *supra*, and the exceptions thereto filed by the U.S. Fish and Wildlife Service, *supra*, both of which are hereby incorporated by reference.

Accordingly, Part 18 of Subchapter B, Chapter I of Title 50, CFR, is amended as follows:

1. In the table of sections, a new Subpart F is added, reading:

Subpart F—Waiver of the Moratorium; State Laws and Regulations

Sec.
18.51 Purpose of regulations
18.52 Scope of regulations
18.53 Effective waiver of the moratorium
18.54 Approval of State laws and regulations—procedures
18.55 Approval of State laws and regulations—criteria
18.56 Review of approved State laws and regulations
18.57 Enforcement
18.58 List of waivers and States approved species

2. Section 18.32 is added to read as follows:

§ 18.32 Waiver of the moratorium.

See subpart F (Waiver of the moratorium; State laws and regulations) and subpart G (Notice and Hearing on Section 103 Regulations) for procedures regarding waivers of the moratorium in those circumstances where a state provides an acceptable management program for a species or population stock within its jurisdiction.

3. A new subpart F is added, reading as follows:

[1] See FR Doc. 75-34636 in the Notices section.

Subpart F—Waiver of the Moratorium; State Laws and Regulations

§ 18.51 Purpose of regulations.

The regulations contained in this subpart fulfill the requirements of sections 101, 103, and 109 of the Act for regulations to implement a waiver of the moratorium in those circumstances where a State provides an acceptable management program for a species or population stock within its jurisdiction.

§ 18.52 Scope of regulations.

(a) The provisions in this subpart apply only when the Director has made a decision to waive the moratorium, and when a State has requested a determination from the Director, pursuant to section 109(a)(2) of the Act, that the State's laws and regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals, are consistent with the waiver of the moratorium, the Act and the regulations in this subchapter which apply to such species or population stocks. The provisions set forth standards and criteria for such determination by the Director and for subsequently waiving the moratorium.

(b) The provisions in this subpart apply to all takings of marine mammals subject to a waiver of the moratorium and approved State laws and regulations implementing the waiver and to importation subsequent to such takings except takings for scientific research, for public display, and incidental to commercial fishing operations.

§ 18.53 Effective waiver of the moratorium.

(a) The Director shall, in response to a request by a State under § 18.54 for approval of its laws and regulations implementing a waiver of the moratorium, make such waiver as is consistent with the goals, policies, and provisions, and pursuant to the procedures of the Act. Such waivers shall be published as notices in the FEDERAL REGISTER.

(b) Any waiver granted in response to a request by a State under this subpart shall not be effective until the Director has approved the relevant State laws and regulations pursuant to § 18.54.

(c) Upon waiver of the moratorium and approval of State laws and regulations implementing the waiver under this subpart, subpart B of Part 18 shall not apply to any activities subject to such laws and regulations.

§ 18.54 Approval of State laws and regulations—procedures.

(a) Any state may request a determination that its laws and regulations are consistent with the Act and the regulations in this part, and may request a waiver of appropriate portions of section 101 of the Act in order to allow such laws and regulations to take effect.

(b) The request must be submitted in accordance with section 18.4(c) of this part.

(c) Upon receipt of a request in accordance with § 18.4(c) of this part, the Director shall publish in the FEDERAL

REGISTER a notice of consideration of the laws and regulations submitted and a summary of the substantive ecological and biological statements required by section 103(d) of the Act. Such notice shall also set forth relevant information concerning the right afforded interested persons to request a public hearing in accordance with subpart G.

(d) The Director may approve such State laws and regulations if they implement a waiver of the moratorium and he determines them to be consistent with any regulations promulgated under section 103 with respect to such marine mammals, provisions of the Act, any other rule or regulation promulgated pursuant to the Act with respect to such marine mammals, and the provisions of § 18.55 and other provisions of this subpart.

(e) Upon approval, the Director shall publish a notice in the FEDERAL REGISTER stating such approval, briefly summarizing the management program established by the State laws and regulations, stating which provisions of section 101 of the Act are waived in order to allow such State laws and regulations to take effect, and the date of submission of the State's annual report.

(f) Any modifications, amendments, deletions or additions to laws or regulations previously approved shall require review and approval by the Director pursuant to paragraphs (c) through (f) of § 18.56 of these regulations before their adoption.

(g) All determinations by the Director shall be final.

(h) If the Director has approved State laws and regulations pursuant to this subpart, all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State, must be in accordance with the approved State laws and regulations. Any violation of State laws and regulations occurring beyond the jurisdiction of the State shall be punishable in accordance with section 105 of the Act.

§ 18.55 Approval of State laws and regulations—criteria.

Any State which applies to the Director for approval of its laws and regulations pursuant to § 18.54 must demonstrate, to the Director's satisfaction, that such laws and regulations:

(a) Provide for a modern scientific resource management program, including, but not limited to, research, census, law enforcement, habitat acquisition and improvement and, when and where appropriate, the periodic or total protection of the marine mammals in question;

(b) Establish a program which is based upon the best scientific evidence available on the relevant marine ecosystem and the role of the marine mammals in question in that ecosystem;

(c) Establish a program which is consistent with the primary goal of the Act, to maintain the health and stability of the marine ecosystem;

(d) Establish a program which insures that the species or population stock of marine mammals in question will be maintained at its optimum sustainable population, unless the State can show that some other population level more properly maintains the health and stability of the marine ecosystem;

(e) Provide appropriate maximum quotas and seasons, whenever a taking or importation is proposed, unless the State can show that it is consistent with these criteria to have no quota or season;

(f) Require the automatic imposition of a moratorium on all taking and/or importing of the marine mammals in question whenever their number drops below the range of optimum sustainable population levels unless such diminution in the population is consistent with the health and stability of the relevant marine ecosystem.

(g) Establish quotas, seasons, and other allowances and restrictions as necessary in accordance with the following factors:

(1) The seasonal distribution of populations;

(2) Segregation within populations by sex and age;

(3) Discreteness of populations;

(4) Population density;

(5) Critical periods in the species life cycle;

(6) Critical habitat areas;

(7) Productivity of the population;

(8) Species interactions;

(9) Percentage of retrieval by hunters;

(10) Maximization of the utilization of the species;

(11) Other uses of the species, such as recreational use or incidental catch; and

(12) Enforceability of the limitations.

(h) Contain suitable limitations on the means and methods of taking which assure that taking will be by humane means and will maximize the utilization of each animal taken.

(i) Contain provisions for significant public participation within the State in the process of making the rules in question.

(j) Meet the criteria specified in § 18.4(d) of this part, to the extent such criteria may differ from those prescribed in this section.

§ 18.56 Review of approved State laws and regulations.

(a) All State laws and regulations which have been approved shall be reviewed annually, unless a major modification indicates that an earlier review is appropriate.

(b) In order to facilitate such a review, each State having approved laws and regulations must submit an annual report containing the following information current for each reporting period:

(1) Any changes in the State laws or regulations;

(2) Any new data on the marine mammal stocks or the marine ecosystems in question;

(3) All available harvest data;

(4) A summary of all research activity on the stocks or ecosystem in question;

(5) Any changes in the information provided with the original request for approval;

(6) A summary of all enforcement activity, including permits issued, skins sealed, reports under permits, investigations undertaken and their dispositions;

(7) Present budget and staffing level for the marine mammal activities;

(8) Any other information which the Director may request, or which the State deems necessary or advisable.

(c) Each State having approved laws and regulations shall file a special report within 30 days whenever any of the following information is available:

(1) A proposed change in a relevant State law or regulation (amendments, repealers, or new legislation or regulations); or

(2) A significant natural or man-made occurrence affecting the marine ecosystem or the stock in question; or

(3) An apparent over-harvest or other significant violation of the State management program.

(d) Upon receipt of any other report described in § 18.56(b) or 18.56(c) the Director shall, in consultation with the Marine Mammal Commission determine whether or not the State laws and regulations continue to comply with the requirements of this subpart.

(e) Whenever the Director preliminarily determines, in consultation with the Marine Mammal Commission, that the State laws and regulations are not in compliance with the requirements of this subpart, he shall publish notice of such determination in the FEDERAL REGISTER, inviting submission from interested persons, within 30 days of the date of the notice, of written data, views or comments, and requests for hearing, with respect to such preliminary determination.

(f) As soon as practicable after the 30-day comment period described in § 18.56 (e), the Director, in consultation with the Marine Mammal Commission, shall determine whether or not to finally disapprove the State laws and regulations. The Director's determination shall be made within 90 days after publication of the notice described in § 18.56(e), unless a hearing is held, in which case the determination shall be made in accordance with the provisions of the Administrative Procedure Act and the procedural regulations of subpart G of this part.

(g) If the Director makes a final determination to disapprove proposed changes in State laws and regulations, the State shall, at the Director's discretion, have the option of retaining its initially approved laws and regulations in which case the waiver shall remain in effect. All final determinations of disapproval shall be published in the FEDERAL REGISTER; upon such publication unless a State elects within 30 days to retain its originally approved laws and regulations, any waiver conditioned upon approval of State laws and regulations as provided in § 18.53(b) shall terminate, and the moratorium of section 101 of the Act shall be reinstated and supersede such State laws and regulations.

§ 18.57 Enforcement.

(a) The appropriate official in each State shall utilize such methods as he deems appropriate to assure to the max-

imum extent practicable that the quotas, seasons, and other limitations in approved State laws and regulations are not exceeded.

These methods may include, but are not limited to, patrols, surveillance, investigation, permit record-keepings and reporting requirements, and tagging and marking requirements.

(b) The hides or skins of marine mammals taken pursuant to approved State laws and regulations, and tanned commercially, must be tanned at a tannery registered pursuant to this part. Lists of such tanneries may be obtained from agents of the Service.

(c) Any seals attached by State officials under approved State laws and regulations must remain affixed until removed for tanning.

§ 18.58 List of waivers and States approved. [Reserved]

4. Section 18.23 is amended by redesignating the existing subsections (c) and (d) as subsections (d) and (e), respectively, and a new subsection (c) is added, reading as follows:

§ 18.23 Native exception.

(c) The restriction in subsection (b) shall not apply to parts or products of the Pacific walrus (*Odobenis rosmarus*) to the extent that the waiver of the moratorium and the approved State/Federal regulations relating to the taking and importation of walrus permits the delivery, sale, transportation or shipment of parts or products of the Pacific walrus in interstate or foreign commerce.

Dated: December 17, 1975.

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

[FR Doc.75-34637 Filed 12-23-75;8:45 am]

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Petit Manan National Wildlife Refuge

The following special regulations are issued and are effective during the period April 15, 1976 through November 15, 1976.

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

MAINE

PETIT MANAN NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted via Petit Manan Point Road to the designated parking area for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours only from April 15 through November 15, 1976. Foot access only is permitted beyond the parking area on designated trails. Clamming is permitted in accordance with State and Town regulations; access to clamming areas is by water routes only. Pets are permitted if on a leash not over 10 feet in length. The picking of blueberries for off-site use is prohibited. No access or use of the island portion of the refuge is permitted.

The refuge area, comprising approximately 1,715 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective during the period April 15 through November 15, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 17, 1975.

[FR Doc.75-34640 Filed 12-23-75;8:45 am]

Title 7—Agriculture

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

[Naval Orange Regulation 359]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 26–Jan. 1, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Naval oranges so fixed was arrived at after consideration of the total available supply of Naval oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.659 Navel orange regulation 359.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Naval oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Naval Orange Administrative Committee established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Naval oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Naval oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained strong during the early part of last week, but it fell sharply toward the end of the week as holiday buying virtually stopped, and activity is very slow at present.

Prices f.o.b. averaged $4.27 a carton on a reported sales volume of 1,349 carlots last week, compared with an average f.o.b. price of $4.25 per carton and sales of 995 carlots a week earlier.

Track and rolling supplies at 339 cars were down 133 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concern-

ing such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act; to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 22, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 26, 1975, through January 1, 1976, are hereby fixed as follows:

(i) District 1: 807,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 43,000 cartons."

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

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

Dated: December 22, 1975.

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

[FR Doc.75-34968 Filed 12-23-75;11:16 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 8.2]

ASSESSMENT OF FEES: NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Notice of Proposed Rulemak'ng

The Comptroller of the Currency is considering amending the regulation governing the assessments on national banks and District of Columbia banks which is contained in 12 CFR 8.2. The authority for the Comptroller of the Currency to assess such fees may be found in R.S. 5240, as amended, 12 U.S.C. 482, and in section 3, 47 Stat. 1566, 26 D.C. Code 102.

For the past several years, the expenses of the Office of the Comptroller of the Currency have been rising faster than its revenues. Under the present assessment schedule, this office expects to suffer a $9 million deficit in 1975. This deficit will increase to $22 million in 1976 if the assessment schedule is not changed.

The largest proportion of the increase in expenses has been caused by general federal Government pay increases. The salary expense for the Office of the Comptroller of the Currency increased 109 percent between 1969 and 1975. During this same period the total number of employees increased 24 percent.

In 1973, the Office was informed that after July 1, 1974, the Washington office and certain regional offices would no longer be allowed to occupy rent-free space in Government buildings. This caused a large increase in rental expenses.

Until 1973, the growth of national bank assets was sufficient to offset, under the existing assessment schedule, the increasing expenses. Since then, the growth of assets has slowed while the Office expenses have continued to increase at a growing rate.

Under the present assessment schedule, the current figure on which assessments on national banks is calculated is the total asset figure reported on the "Report of Condition (Consolidating Domestic Subsidiaries)", with a minimum assessment of $200. Assets on the books of foreign branches and foreign subsidiaries of national banks are not now included in this figure. In addition, an assessment of $50 is currently collected for each branch office.

Large and small banks pay disproportionately for the costs of maintaining the Comptroller's Office. The following table (Table 1) illustrates the extent to which the present assessment schedule apportions the burden of assessment in relation to the costs of examining banks of various sizes. The term "Relative Cost Coverage" used in this tabe is defined as the relationship between the income this Office receives from a bank and the costs of this Office attributable to that bank. Accordingly, if a bank has a relative cost coverage of 100 percent, it is paying its proportional share of the operations of this Office; if less than 100 percent, it is paying less than its share; if more than 100 percent, it is paying more than its share.

TABLE 1

Asset group (in millions)	Current relative cost coverage (percent)	Number of banks
0 to $5	27.1	320
$5 to $10	29.7	684
$10 to $25	37.5	1,615
$25 to $50	47.5	970
$50 to $75	59.5	387
$75 to $100	68.4	167
$100 to $200	77.6	202
$200 to $300	90.9	74
$300 to $400	97.3	50
$400 to $500	102.7	32
$500 to $750	112.8	40
$750 to $1,000	109.4	26
$1,000 to $1,500	157.1	21
$1,500 to $2,000	176.2	19
$2,000 to $3,000	161.2	14
$3,000 to $4,000	140.3	5
$4,000 to $5,000	126.3	4
$5,000 to $10,000	239.2	4
$10,000 to $25,000	325.1	5
$25,000 and over	286.3	3

Thus, large banks have been paying a disproportionate part of the cost of regulation, some paying as much as three times the cost associated with their own examination. Smaller banks have been paying considerably less than the cost associated with their examination. The "break even" point has been at banks of approximately $400 million in assets.

A simple proportional increase in the present assessment percentage would yield increased revenue, but it would also perpetuate the inequities which are inherent in the present system.

In order to obtain a more equitable distribution of assessments, the Comptroller of the Currency is considering the adoption of an assessment schedule which applies a declining percentage rate to the total assets reported on the "Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)." It is proposed that both the basic flat fee and the separate branch fee be eliminated, although the basic flat fee is to some extent replaced by the relatively high percentage rate applied to the first $1 million of total assets.

The proposed assessment schedule is set forth in table 2 below:

TABLE 2

If the amount of total assets (consolidating domestic and foreign subsidiaries) is—		Assessment will be—		
Over—	But not over—	This amount	Plus—	Of excess over—
Millions	*Millions*		*Percent*	*Millions*
0	$1	0	0.1000	0
$1	10	$1,000	.0125	$1
10	50	2,125	.0095	10
50	100	5,925	.0060	50
100	500	8,925	.0050	100
500	1,000	28,925	.0045	500
1,000	3,000	51,425	.0040	1,000
3,000	10,000	131,425	.0034	3,000
10,000	20,000	369,425	.0032	10,000
20,000	----------	689,425	.0021	20,000

If the proposed declining assessment schedule is adopted "the relative cost coverage" (i.e., the relationship between the income this Office receives from a bank and the cost of this Office attributable to that bank) will be as set forth in Table 3 below:

TABLE 3

Asset group (in millions)	Current relative cost coverage (percent)	Proposal relative cost coverage (percent)	Number of banks
0 to $5	27.1	69.8	320
$5 to $10	29.7	69.7	684
$10 to $25	37.5	74.6	1,615
$25 to $50	47.5	81.7	970
$50 to $75	59.5	90.0	387
$75 to $100	68.4	91.4	167
$100 to $200	77.6	89.2	262
$200 to $300	90.9	88.0	74
$300 to $400	97.3	88.6	59
$400 to $500	102.7	90.0	32
$500 to $750	112.8	93.4	40
$750 to $1,000	100.4	86.2	26
$1,000 to $1,500	157.1	120.4	21
$1,500 to $2,000	176.2	128.7	19
$2,000 to $3,000	161.2	116.4	14
$3,000 to $4,000	140.3	99.9	5
$4,000 to $5,000	126.3	97.2	4
$5,000 to $10,000	239.2	176.6	4
$10,000 to $25,000	325.1	221.0	5
$25,000 and over	286.3	193.6	3

All assessments made after the date of this proposal will be made at those rates finally adopted as a result of this proposal. The Comptroller expects to notify each national bank in January 1976 of the rates adopted and to assess each national bank at those rates based on assets reported as of December 31, 1975. The assessment notices so distributed in January 1976 will be for the assessment due as of December 31, 1975.

The Comptroller of the Currency requests the comments of all interested parties on this proposal. Comments on the proposed amendment should be in writing, addressed to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, to be received prior to January 10, 1976.

Dated: December 18, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-34619 Filed 12-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1822]

[FMHA Instruction 444.1]

RURAL HOUSING LOANS AND GRANTS

State Mortgage Insurance Programs

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of §§ 1822.3 (e) and (g) and 1822.10(c) of Subpart A of Part 1822, Title 7, Code of Federal Regulations (3g FR 44993). It is proposed that § 1822.3(e) be amended to add a new subparagraph (5) to include within the definition of "owner" the holder of possessory rights on Indian Reservations or State-owned lands. Section 1822.3(g) is amended, and a new paragraph (c) under § 1822.10 is added to provide for use of State Mortgage Insurance Programs as Rural Housing loan security when the applicant is the holder of possessory rights on Indian Reservations or State-owned lands. The present §§ 1822.3(e)(5) and 1822.10(c) are redesignated as subparagraphs (6) and paragraph (d) respectively, without change. Editorial changes have been made in paragraph (a) (1) and (3) of §§ 1822.10 to reflect the crops-referencing therein.

Interested persons are invited to submit written comments, suggestions, data or arguments regarding the proposed amendments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 23, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 A.M.–4:45 P.M.)

1. Section 1822.3(e) is amended by adding a new paragraph (5), and redesignating the existing paragraph (5) as paragraph (6).

§ 1822.3 Definitions.

* * * * *

(e) *Owner.* * * *

(5) The holder of possessory rights on an Indian Reservation or State-owned land when the loan is secured in accordance with § 1822.10(c).

* * * * *

(g) *Security.* "Security" includes any rights as interest in property of any kind subject to a mortgage. It also includes State-provided mortgage insurance guaranteeing a loan in case of default.

* * * * *

2. Section 1822.10(a) (1) and (3) are amended as follows; a new paragraph (c) is added, and the existing paragraph (c) is redesignated as paragraph (d).

§ 1822.10 Security.

(a) *General.* Loans other than those excepted under paragraph (d) of this section * * *.

(1) Any loan of more than $5,000 and any loan scheduled for repayment in more than 15 years from the date of the note will be secured by a real estate mortgage as provided in paragraph (b) of this section, unless security is provided in accordance with paragraph (c) of this section.

* * * * *

(3) * * * in accordance with paragraph (d) of this section.

* * * * *

(c) *State-provided Mortgage Insurance.* When the applicant is the holder of possessory rights on an Indian Reservation or State-owned land, adequate security in the form of mortgage insurance from a State agency will be acceptable. Separate State regulations covering loan approval and title clearance and closing, appropriate loan documents and a Memorandum of Understanding with the State insuring agency should be developed and used with the approval of the State Director and the concurrence of the Office of General Counsel. Approval of such regulations by the National Office is required prior to participation in any such program.

(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.)

Dated: December 17, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34650 Filed 12-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 155]

UPWARD BOUND

Notice of Proposed Rulemaking

Correction

In FR doc. 75-33700, appearing on page 58400 in the issue of Tuesday, December 16, 1975, in the second column, the last paragraph, the date reading "December 29, 1975" should read "January 15, 1976."

[45 CFR Part 157]

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Notice of Proposed Rulemaking

Correction

In FR doc. 75-33701, appearing on page 58405 in the issue of Tuesday, December 16, 1975, in the second column, the last paragraph, the date reading "December 29, 1975" should read "January 15, 1976."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 15131; Notice No. 75-37A]

PROPOSED NOISE REDUCTION STAGES AND ACOUSTICAL CHANGE REQUIREMENTS FOR SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES AND SUBSONIC TURBOJET POWERED AIRPLANES

Extension of Comment Period

The Federal Aviation Administration proposed in Notice No. 75-37, published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51476), to amend Part 36 to

provide for three stages of noise reduction, to require new applications for type certificates to comply with noise limits more restrictive than those in current Appendix C, and to increase the severity of the acoustical change requirements for airplanes that comply with current Appendix C, as applied to subsonic transport category large airplanes and to subsonic turbojet powered airplanes.

The Aerospace Industries Association of America, Inc., has requested a 60-day extension of time for submission of comments. The extension is stated to be needed because the proposed rule involves matters that require more analysis than can be accomplished during the current comment period.

Recognizing the complex nature of the proposed amendment and the potentially far-reaching issues involved, I find that petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR Part 11.45), the time within which comments on Notice No. 75-37 will be received is extended to March 8, 1976.

Issued in Washington, D.C. December 17, 1975.

JOAN B. BARRIAGE,
Acting Director,
Environmental Quality.

[FR Doc.75-34642 Filed 12-23-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WE-32]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Oxnard, California (Ventura County Airport) control zone.

The airspace requirements for the Ventura County Airport, Oxnard, California have been reviewed in accordance with criteria contained in the United States Standards for Terminal Instrument Procedures. The review revealed that the description of the control zone requires amending to provide sufficient controlled airspace protection for aircraft executing the present VOR RWY 25 and the proposed ILS and LOC RWY 25 instrument approach procedures while operating below 1,000 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 23, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airsapce action.

In § 71.171 (40 FR 354) the description of the Oxnard, California (Ventura County Airport) control zone is amended as follows:

OXNARD, CALIFORNIA (VENTURA COUNTY AIRPORT)

Within a 5 mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.) and within 2 miles each side of the Ventura County Runway 25 localizer east course extending from the 5 mile radius zone to two miles east of the outer marker. 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 Airmen's Information Manual.

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

Issued in Los Angeles, California, on December 12, 1975.

W. R. FREHSE,
Acting Director, Western Region.

[FR Doc.75-34644 Filed 12-23-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WE-33]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palomar, California, control zone.

An instrument landing system (ILS) will be installed in the near future at the Palomar Airport, Carlsbad, California. Two new approach procedures are being developed for this airport (ILS RWY 24 and LOC RWY 24). The control zone extension would provide controlled airspace for these appropriate procedures while aircraft are operating below 1,000 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 23, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

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

In § 71.171 (40 FR 354) the description of the Palomar, California, control zone is amended as follows:

PALOMAR, CALIFORNIA

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.); within 1.5 miles each side of the Oceanside VORTAC 134° radia, extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC, and within 1.5 miles each side of the Palomar Runway 24 localizer east course extending from the 3-mile radius zone to 7.5 miles east of the airport. 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.

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

Issued in Los Angeles, California, on December 12, 1975.

W. R. FREHSE,
Acting Director, Western Region.

[FR Doc.75-34645 Filed 12-23-75;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75-SO-129]

TEMPORARY RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas over portions of Ga., and N.C., to contain a joint military training exercise SOLID SHIELD 76. The designations would extend from May 12, 1976, through May 25, 1976. Those areas encompassing airspace at or above 14,500 fee MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the

Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 23, 1976, will be considered before action is taken on the proopsed amendments. The proposals 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 will also be available for examination at the office of the regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendments would designate the following temporary restricted areas:

R-5309A Solid Shield 76

Boundaries. Beginning at Lat. 35°05'00" N., Long. 79°35'00" W.; to Lat. 35°07'05" N., Long. 79°22'50" W.; thence south and east along R-5311A to Lat. 35°02'45" N., Long. 79°17'00" W.; to Lat. 35°00'00" N., Long. 79°17'00" W.; to Lat. 34°57'00" N., Long. 79°36'00" W.; to point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309B Solid Shield 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 79°14'00" W.; to Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°11'00" N., Long. 79°02'30" W.; thence west along R-5311A to Lat. 35°12'00" N., Long. 79°14'00" W.; to point of beginning.

Designated altitudes. 1,200 feet MSL to but not including FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309C Solid Shield 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 78°32'00" W.; to Lat. 35°16'00" N., Long. 78°08'00" W.; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 35°00'00" N., Long. 78°24'00" W.; to point of beginning.

Designated altitudes. 1,200 feet MSL to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309D Solid Shield 76

Boundaries. Beginning at Lat. 35°00'00" N., Long. 78°24'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 34°49'20" N. Long. 78°07'30" W.; to Lat. 34°52'30" N., Long. 78°27'30" W.; to point of beginning.

Designated altitudes. 7,000 feet MSL to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309E Solid Shield 76

Boundaries. Beginning at Lat. 34°53'45" N., Long. 78°42'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to Lat. 34°50'00" N., Long. 78°46'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL north of latitude 34°30'00" N., and 1,200 feet MSL to 10,000 feet MSL south of 34°30" N.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309F Solid Shield 76

Boundaries. Beginning at Lat. 35°15'00" N., Long. 77°30'00" W.; to Lat. 34°57'30" N., Long. 77°02'00" W.; thence south and east along Restricted Areas R-5306B, C, D, and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°28'00" N., Long. 77°38'00" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°03'00" N., Long. 77°43'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to point of beginning, excluding that airspace from the surface to 3,000 feet MSL within a 5-statute mile radius circle centered on the Albert Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) and extending 4 nautical miles each side of the final approach courses for the Albert Ellis ILS RWY-5 (051° R) and NDB-5 (051° M) approaches.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309G Solid Shield 76

Boundaries. Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°50'30" N., Long. 77°05'00" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309H Solid Shield 76

Boundaries. Beginning at Iat. 34°43'15" N.,, Long. 76°47'30" W.; to Lat. 34°38'30" N., Long. 76°43'00" W.; thence west along a line 3 nautical miles from and parallel to the shoreline to Lat. 34°37'30" N., Long. 76°56'-20" W.; thence north and east along Restricted Areas R-5306C and R-5306B to point of beginning.

Designated altitudes. 1,200 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309I Solid Shield 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°16'00" N., Long. 78°08'00" W; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to Lat. 34°50'00" N., Long. 78°46'00" W.; to Lat. 34°52'00" N., Long. 78°-7'45" W., to Lat. 35°02'55" N., Long. 79°05'40" W.; thence north along the boundary of Restricted Area R-5311A to Lat. 35°11'00" N., Long. 79°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of deignation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309J Solid Shield 76

Boundaries. Beginning at Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to Lat. 35°51'30" N., Long. 77°52'00" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309K Solid Shield 76

Boundaries. Beginning at Lat. 35°26'00" N., Long. 77°07'00" W.; to Lat. 35°23'00" N., Long. 76°34'30" W.; thence south and east along Restricted Areas R-5306A, B, C, D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to Lat. 35°24'00" N., Long. 77°17'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R-5309L Solid Shield 76

Boundaries. Beginning at Lat. 32°05'00" N., Long. 81°58'00" W.; to Lat. 32°05'00" N., Long. 81°49'00" W.; thence south and east along Restricted Areas R-3005A and B to Lat. 31°56'15" N., Long. 81°23'00" W.; to Lat. 31°54'06" N., Long. 81°17'00" W.; to Lat. 31°35'00" N., Long. 81°23'00" W.; to Lat. 31°35'00" N., Long. 82°04'30" W.; to Lat. 31°49'00" N., Long. 82°11'00" W.; to points of beginning.

Designated altitudes. 5,000 feet MSL to 17,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

Temporary Restricted Areas R-5309B, H, I, J, K, and L defined above would be included in the continental control area for the duration of their time of designation.

The proposed restricted areas would be used to contain a joint military training

exercise, "SOLID SHIELD 76", involving coordinated amphibious/airborne assault operations. Several military units would participate; however, no ordnance would be expended (within the areas herein proposed) and also supersonic flight would be prohibited. Similar exercises have been conducted annually in the same general area for several years. As with previous exercises, "SOLID SHIELD 76" would provide the military services with an opportunity to test and evaluate the coordination procedures used during complex joint military operations. The proposed restricted areas would be required for safety to separate nonparticipating aircraft from the extensive air activity of the participating military forces. The users of the temporary restricted areas understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable to all nonparticipating persons and property on the surface.

Throughout the exercise the using agency would allow scheduled air carrier flights and other nonparticipating aircraft into or through the temporary restricted areas when exercise operations permit. The using agency would provide all necessary communication lines required by the Federal Aviation Administration and it would also provide a wide area telecommunications service number so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration would establish temporary routing to reroute air carrier and other nonparticipating aircraft around the restricted areas when clearance through the areas cannot be approved.

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

Issued in Washington, D.C., on December 18, 1975.

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

[FR Doc.75-34643 Filed 12-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 40]

[FRL 472-7]

ORE MINING AND DRESSING POINT SOURCE CATEGORY

Extension of Comment Period

On November 6, 1975, (40 FR 51738) the Environmental Protection Agency proposed effluent guidelines and standards for the Ore Mining and Dressing Point Source Category, pursuant to sections 301 and 304 of the Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq., 86 Stat. 816). The notice of these proposed regulations solicited comments from interested persons and specified that such comments would be due not later than December 8, 1975.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that many members of the affected industry operate in isolated areas, and additional time is needed for them to provide meaningful comments. Accordingly, the Environmental Protection Agency has decided to grant a thirty day extension of the deadline. The date for submission of comments is hereby extended to and including January 7, 1976.

Dated: December 17, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-34736 Filed 12-23-75;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 612 and 614]

PERSONNEL ADMINISTRATION AND LOANS

Policy and Operations

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would (1) revise the upper limit on voluntary employee contributions to System thrift plans, (2) eliminate certain restrictions on employee withdrawals of prior contributions to pension plans which are transferred to System thrift plans, (3) remove certain restrictions on the types of securities which may be used as collateral by other financing institutions in borrowing from or discounting with the Federal intermediate credit banks, and (4) clarify the applicability of paragraph (b) of § 614.4590 of the regulations.

Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than January 23, 1976, to Director of Technical Services, Office of Credit and Operations, 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.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraphs (c) and (d) of § 612.2291, paragraphs (a) and (b) of § 614.4590, and § 614.4600. These amendments are as follows:

§ 612.2291 Thrift plan requirements.

* * * * *

(c) Voluntary employee contributions in excess of six percent but not beyond the Internal Revenue limit may be permitted, but in no event will such excess employee contributions be credited with a matching employer contribution.

(d) In the event prior employee contributions to a pension plan are transferred to the thrift plan, the value of such contributions may, at the option of each district board, be subject to the same withdrawal restrictions as defined in the thrift plan as are the voluntary contributions described in (a), or a district board may place additional restrictions on withdrawal.

§ 614.4590 Direct loans to other financing institutions.

* * * * *

(a) Classes of obligations approved as collateral. The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions, subject to approval of the bank to which such securities are to be pledged:

(1) Obligations of bona fide farmers and ranchers arising from direct credit extension by the financing institution.

(2) Obligations set forth in § 615.5140 (a) which have been approved by the Farm Credit Administration for investment by institutions of the System.

(b) Purpose of direct loans or advances. In making loans or advances to any other financing institution on the security of collateral other than that described in (a)(1) of this section, the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes.

§ 614.4600 General collateral.

Other financing institutions (except commercial banks), as a condition percedent to borrowing from or discounting with a Federal intermediate credit bank, shall pledge as collateral for any and all obligations to the bank, cash, securities set forth in § 615.5140(a) which have been approved by the Farm Credit Administration for investment by institutions of the System, or other readily marketable securities of high rating in an amount equal to such portion of its capital as shall be determined by the bank. At the discretion of the bank, commercial banking institutions may also be required (unless prohibited by law or by supervisoy authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral including all income derived, shall be available to secure any and all obligations to the bank whether direct or contingent, present or future.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-34649 Filed 12-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20655; RM-2563]

TABLE OF ASSIGNMENTS

Television Broadcast Stations; Cumberland and Oakland, Maryland

1. The Commission, by the Chief, Broadcast Bureau, has under consideration a petition for rule making filed by the Maryland Center for Public Broadcasting (MCPB) seeking amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments. Specifically, MCPB seeks the deletion without replacement of reserved Channel 36 at Cumberland, Maryland, and its reassignment as a reserved channel to Oakland, Maryland.

2. Cumberland (pop. 29,723) is the seat of Allegany County (pop. 84,044) and is located 105 miles northwest of Washington, D.C., on the Maryland-West Virginia border. Oakland (pop. 1,786) is the seat of Garrett County (pop. 21,476) and is located 39 miles southwest of Cumberland. Because of the distance between the two communities, Channel *36 may not be used at Oakland under § 73.607(b), which permits the use of an assigment at unlisted communities within 15 miles of the listed community. In addition to Channel *36, Cumberland is assigned unoccupied and unapplied for Channels 52 and 65.

3. There are seven educationally reserved channels presently assigned to the State of Maryland under § 73.606(b). MCPB is licensed to operate stations on four of these assignments and, according to petitioner, plans exist for the utilization of the three remaining unoccupied assignments.[1]

4. MCPB has determined, however, that establishment of an educational television broadcast facility at Cumberland does not represent as efficient a use of resources as would the establishment of an educational facility at Oakland. We are told by the petitioner that approximately 90% of the population of Allegany County, in which Cumberland is located, have the capability to receive a public television broadcasting service (either by cable or direct off-the-air reception).[2] The corresponding figure for Garrett County, where Oakland is located, is approximately 33%. This service, petitioner indicates, is furnished by the three cable systems in the county which carry the public television programming of the West Virginia or Pennsylvania stations. No Maryland public television service is available to Garrett County residents.

5. Petitioner uses these figures to argue that establishing a facility at Cumberland represents an expensive means of extending a public television service to the small percentage of the Allegany County population unable to receive one. For most of the persons in the county, such a station would merely duplicate an existing service. Petitioner acknowledges that a high-powered station operating at Cumberland would serve much of Garrett County. However, over three-fourths of the Garrett County residents not subscribing to cable television service live near Oakland. A high-powered Cumberland station, therefore, would not be as effective as a lower powered facility operating at Oakland in terms of serving these Garrett County residents. For these reasons, petitioner desires to establish an educational facility at Oakland rather than at Cumberland.

6. At the time the educational grid was developed within the Table of Assignments, communities were selected for such assignments on the basis of their ability to contribute to overall statewide coverage (assuming the absence of specific individual state plans). From the information provided by the petitioner, at appears that the need for a reserved assignment at Cumberland has lessened since the adoption of that table.

7. In view of this the Commission is persuaded that a sufficient public interest showing has been made to warrant further consideration of petitioner's proposal in a rule making proceeding. We propose to consider the following revisions in the Television Table of Assignments (Section 73.606(b) of our Rules) with respect to the Maryland cities listed below:

City	Channel No.	
	Present	Proposed
Cumberland	*36+, 52+, 65	52+, 65
Oakland		*36+

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

9. Interested parties may file comments on or before February 9, 1976, and reply comments on or before March 1, 1976.

Adopted: December 11, 1975.

Released: December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be availabe for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-34657 Filed 12-23-75;8:45 am]

[1] The four stations presently licensed to MCPB are WMPB (Channel *67) at Baltimore, WCPB (Channel *28) at Salisbury, WWPB-TC (Channel *31) at Hagerstown, and WAPB (Channel *22) at Annapolis. The three unoccupied assignments are Channel *36 at Cumberland, Channel *62 at Frederick, and Channel *56 at Waldorf.

[2] Direct reception is provided by Station WWPB-TV in Hagerstown which also serves neighboring Washington County. Hagerstown is located approximately 55 miles east of Cumberland.

[47 CFR Part 73]

[Docket No. 20364 RM-2336]

TABLE OF ASSIGNMENTS

FM Broadcast Stations; Tawas City and Oscoda, Michigan

1. The Commission has under consideration pleadings filed in response to a notice of proposed rule making (40 Fed. Reg. 8964), adopted March 4, 1975, proposing the assignment of Channel 280A to Tawas City, Michigan (pop. 1,666), as its second FM assignment. Petitioner, Carroll Enterprises, Inc., licensee of WIOS, the only AM station in Tawas City, filed comments in support of the proposal. Lawrence Norman DeBeau, licensee of WDBI-FM (Channel 269A), the only FM station in Tawas City, filed comments in opposition, proposing assignment of Channel 223 to Oscoda, Michigan (pop. 2,170), and modification of his license to operate on that channel at Oscoda. This, he states, would then make Channel 269A available for petitioner, when relinquished by DeBeau, so that Channel 280A need not be assigned.

2. Concerning the assignment of Channel 280A to Tawas City, our notice indicated that five communities nearby would be precluded from obtaining that channel were the proposal to be adopted. Petitioner submitted that alternate channels were available: 237A for East Tawas, Oscoda-Au-Sable or Wurtsmith; 280A for East Tawas (if assigned to Tawas City); 276A for Gladwin or West Branch. Channel 276A is no longer available to Gladwin or West Branch (because of our recent permit grant to Station WGER-FM (Channel 273), Bay City, Michigan, to move its transmitter site) but Channel 249A could be assigned to Gladwin, and Channel 265A to West Branch.

3. Lawrence Norman DeBeau objects to the original proposal on the grounds that Tawas City is too small to support three aural services, and that it would enable petitioner to obtain an AM-FM combination in Tawas City which would ultimately force DeBeau out of business. Thus, DeBeau proposes the assignment of Channel 223 to Oscoda, Michigan, 13 miles northeast of Tawas City, and modification of his license to operate on that channel, so that Channel 269A would be available for petitioner at Tawas City. DeBeau claims his proposal would allow him to compete with an AM-FM combination at Tawas City by virtue of a financially viable Class C FM station at Oscoda thereby providing two independent radio voices to Tawas City. Channel 280A would not have to be assigned and would remain available to all of the previously named communities. Oscoda presently has no local aural service.

4. The competition and economic issues are usually irrelevant to rule making proceedings, and are deferred to the application stage. It would not be logical, though, to assign a second Class A FM channel to a rather small community when there realistically appears to be interest in only one. So we are compelled to examine closely in this proceeding all the issues raised by the pleadings.

5. Petitioner argues that the DeBeau counter-proposal is not in fact a counterproposal but a new proposal and that it therefore should be stricken. The motion to strike is denied. DeBeau's proposal is an integral part of this proceeding because it is germane to the issues to be resolved here. The public interest can best be served by consideration in one proceeding of all timely proposals that affect FM assignments and broadcast service in Tawas City. While it is technically possible to grant both proposals, we prefer to treat them as mutually exclusive, because petitioner's proposal would assign Channel 280A to Tawas City and DeBeau's proposal would not. Petitioner also asserts that modification of DeBeau's license to Channel 223 in Oscoda is improper. With this we agree.

6. DeBeau's proposal alleges that Channel 223 can be assigned to Oscoda consistent with the Commission's technical requirements. DeBeau presents a map indicating an antenna site, 20 miles northwest of Oscoda, to meet the spacing requirements. He states that such a station could serve both Oscoda and Tawas City with a 70 dBu signal and that, if authorized, he will keep a studio in each town. For assignment of a Class C channel to a community of this size, we require *Roanoke Rapids* and *Anamosa* showings,[1] and available line of sight paths, since the antenna site would have to be located some distance from Oscoda. Were this a petition for a first Class A assignment to a small community, no preclusion study would be needed. We do require a preclusion study though in cases like this for a first Class C assignment.[2] If there is preclusion on any of the affected channels, DeBeau should show whether there are any other channels available for assignment to communities located within such areas. DeBeau has demonstrated a need in Oscoda for a local broadcast service. We remind him, petitioner, and other interested parties that assignment will not be made to a community without a clear and affirmative commitment to operate a station on the assigned channel, if authorized.

7. We would not modify the DeBeau license from 269A as Tawas City to 223 at Oscoda. The cases cited by DeBeau in support of his request are inapposite here because they involve a channel change within the same community. For an assignment to a new community, our rules require notice and opportunity to comment. If Channel 223 is assigned to Oscoda, DeBeau must file an application for its use. We cannot assume that there would be no other applicants for the channel. If there were, DeBeau would be given comparative consideration with any other applicants.[3]

8. In view of the foregoing, the Commission invites comments on the following amendments to the FM Table of Assignments, Section 73.202(b) of its Rules, with respect to the communities listed below, to be considered in conjunction with our original proposal and responses thereto in the notice of proposed rule making (40 Fed. Reg. 8964):

City	Channel No.	
	Present	Proposed
Tawas City, Mich.	296A	280A
Oscoda, Mich.	---	223

Interested parties may also comment on availability of a Class A FM channel at Oscoda and intent to apply if such a channel is assigned.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, filing requirements are contained in the attached Appendix and are incorporated herein.

10. Interested parties may file comments on or before February 9, 1976, and replies to such comments on or before March 1, 1976.

Adopted: December 11, 1975.

Released: December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the

[1] 9 F.C.C. 2d 672 (1967) and 46 F.C.C. 2d 520 (1974), respectively.

[2] *Policy to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967).

[3] To the extent that *Forest City, N.C.*, 26 F.C.C. 2d 700 (1970), is inconsistent, it will no longer be considered as precedent.

date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (Sec. § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-34658 Filed 12-23-75;8:45 am]

[47 CFR Part 971]

[FCC 75-1339; Docket No. 20672]

AMATEUR RADIO SERVICE

Modifying Procedures for Renewal and Modification of Licenses

By the Commission:

1. In this Notice of Proposed Rulemaking it is proposed to modify slightly the procedures involved in the renewal and modification of licenses in the Amateur Radio Service by amending §§ 97.13, 97.47 and 97.83 of the Commission's Rules.

2. Under current procedures, a licensee submitting his license for renewal or modification is afforded the option of enclosing with his application either the license being renewed or modified or a photocopy thereof.

3. Permitting the applicant to submit a photocopy of his original license when renewing or modifying that license has proven to be unsatisfactory. Some applicants in the past have fraudulently altered their original licenses, photocopied them, and submitted the photocopies, upon which the alterations cannot be detected, to the Commission for renewal or modification. Such alterations are invariably made in order to obtain operating privileges for which the licensee has not qualified.

4. The Commission desires to ensure a reliable and fair procedure for license renewal and modification, and to this end, the amendments proposed herein would, if adopted, require an application for a renewed or modified Amateur license to include the original license being renewed or modified. Photocopies would no longer be acceptable, except when an applicant applies for a *new* additional station license. In such a case a photocopy of the applicant's original primary license would be permissible. The amendments would also modify the requirement that the original operator license be in the possession of the licensee at all times by adding an exception to cover those situations in which the original license has been submitted for renewal or modification.

5. Accordingly, we propose to amend §§ 97.13 (d), (e) and 97.47 (a), (b) to make clear that the applicant's original license, and not a photocopy thereof, is required when submitting an application for renewal or modification of an Amateur station or operator license. Further, we propose to amend § 97.83, which requires the original operator license to be in the possession of a licensee when operating an Amateur station, by adding an exception covering those periods when the original license has been submitted for renewal or modification.

6. The proposed amendments to the Rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons are invited to file comments on or before January 22, 1976, and reply comments on or before February 2, 1976. All relevant and timely comments and reply comments will be considered by the Commission before the final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and eleven copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C. 20554.

Adopted: December 9, 1975.

Released: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter 1 of Volume 47 of the Code of Federal Regulations is amended as follows:

1. § 97.13(d), first sentence, and the last sentence of Part (e) are amended to read as follows:

§ 97.13 Renewal or modification of operators license.

* * * * *

(d) Application for renewed and/or modification of an Amateur operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's current original license.* * *

(e) * * *

Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's original expired license.

§ 97.47(a) [Amended].

1. § 97.47(a) second sentence, and paragraph (b) last sentence are amended to read as follows:

§ 97.47 Renewal and/or modification of Amateur station license.

(a) * * *

In every case the application shall be accompanied by the applicant's current original license.* * *

(b) * * *

In every case the application shall be accompanied by the applicant's original license.

* * * * *

1. § 97.83 first sentence, is amended to read as follows:

§ 97.83 Availability of operator license.

Except when submitted for renewal or modification, the original operator license of each operator shall be kept in the personal possession of the operator while operating an Amateur station. * * *

[FR Doc.75-34659 Filed 12-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1023]

[Ex Parte No. MC-100]

STATE REGISTRATION REQUIREMENTS

Notice of Proposed Rulemaking

• Purpose. The purpose of this document is to notify the public that the National Association of Regulatory Utility Commissioners have petitioned the Commission to modify 49 CFR 1023 in regard to registration of motor vehicles and operations and to reuse of cab cards. •

By petition filed December 11, 1975, the National Association of Regulatory Utility Commissioners seek amendment of 49 CFR 1023 as set forth below. NARUC has filed this petition pursuant to its statutory responsibility in section 202(b) of the Interstate Commerce Act (49 U.S.C. 302(b)(2)). NARUC states that a State Commission should be permitted to cancel a motor carrier's registration of ICC operating authority if the carrier fails to register and identify its vehicles and driveaway operations with such State Commission for 3 consecutive years and that a cab card should be permitted to be reused if pre-

pared for a vehicle operated under successive leases of 29 days duration or less.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence concerning the matters involved in this notice may do so by the submission of written data, views, or arguments.

Parties will be expected to present economic data and clear maps supporting their contentions to the extent feasible. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before 45 days after publication in the Federal Register. All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to modify 49 CFR 1023, in the following manner:

§ 1023.14 [Amended]

(1) Striking the period at the end of the title of 49 CFR, 1023.14, and inserting in lieu thereof the following: "; cancellation.";

(2) Striking the period at the end of 49 CFR, 1023.14, and inserting in lieu thereof the following: "; provided, however, that if a motor carrier fails to register and identify its vehicles and driveaway operations with such State Commission pursuant to Subpart D of this Part for three consecutive years, such Commission may cancel the motor carrier's registration of ICC operating authority under this Subpart upon thirty days notice to the carrier at its last known address, and the carrier shall not thereafter exercise its ICC authority within the borders of such State unless and until it shall have again registered such authority as prescribed by the provisions of this Subpart and shall have complied with all other requirements of this Part.";

§1023.32 [Amended].

Adding at the end of 49 CFR, Section 1023.32(f), the following: "However, in the case of a vehicle leased by the motor carrier for twenty-nine consecutive days' duration or less, the carrier may reuse the cab card for the same vehicle when subsequently leased for twenty-nine consecutive days' duration or less, if it enters in the upper left-hand corner of the front of the cab card the figure and words '29 day lease or less' and if it enters an expiration date in the space provided below the certificate which shall be within a period of fifteen months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.";

[FR Doc.75-34732 Filed 12-23-75;8:45 am]

notices

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

DEPARTMENT OF STATE

Office of the Secretary

[CM-5/138]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 28, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

Items to be discussed at the meeting include:

Review of the Report of the Eighteenth Session of the Subcommittee on Subdivision, Load Lines and Stability of the Intergovernmental Maritime Consultative Organization (IMCO);

Improvement of the 1966 Load Line Convention;

Ships handling cargo at sea;

Subdivision, stability and load lines of novel types of craft;

Harmonization of subdivision and stability requirements in various conventions and codes.

Requests for further information on the meeting should be directed to Mr. Edward H. Middleton, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 16, 1975.

[FR Doc.75-34698 Filed 12-23-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notification of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held February 6, 1976 at the Pentagon. The session will be conducted from 9:00 a.m. to 4:00 p.m. and will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee, tentatively scheduled for April 25-29, 1976. Composed of 25 civilian women, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee meeting must contact Major Barbara P. King, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, telephone (202) Oxford 5-5153 no later than January 30, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 19, 1975.

[FR Doc.75-34734 Filed 12-23-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. DEBEERS INDUSTRIAL DIAMOND DIVISION LIMITED, ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in Civil Action No. 74 Civ. 5389, *United States of America* v. *DeBeers Industrial Diamond Division Limited, et al.* The proposed judgment pertains only to Defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation. The complaint in this case alleges that defendants conspired among themselves to fix prices and allocate territories and customers for the sale of diamond grit. Diamond grit is used as an abrasive primarily in grinding wheels, concrete and masonry saws and certain impregnated drill bits. The proposed judgment enjoins defendants from all illegal conduct alleged in the complaint and, in addition, for a period of five years prohibits them from attending any DeBeers seminars that deals with anything but technical matters relating to diamond materials and requires them to deal with any purchaser of diamond grit who meets reasonable commercial standards. Public comment is invited on or before February 23, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 17, 1975.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. DeBeers Industrial Diamond Division Limited, ANCO Diamond Abrasives Corporation, and Diamond Abrasives Corporation, Defendants. Civil Action No. 74 Civ. 5389 (LPG) *Stipulation*, filed: Dec. 17, 1975.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

Dated: December 17, 1975.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Joel Davidow, Richard L. Daerr, Jr., Stephen P. Kilgriff, Roger A. Morrison, James A. Gilbert, Attorneys, Antitrust Division; U.S. Department of Justice.

For the Defendants: Townley, Updike, Carter and Rodgers, Ronald S. Daniels, Attorneys for Defendant, Diamond Abrasives Corporation, Paskus, Gordon and Hyman, Philip H. Schaeffer, Attorneys for Defendant, Anco Diamond Abrasives Corporation.

Stipulation approved for filing.

Dated: December 17, 1975.

LEE P. GAGLIARDI,
United States District Judge.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Debeers Industrial Diamond Division Limited, Anco Diamond Abrasives Corporation, and Diamond Abrasives Corporation, Defendants. Civil Action No. 74 Civ. 5389 LPG, filed: December 17, 1975.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on December 10, 1974, and plaintiff and the consenting defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation, by

their attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party consenting hereto with respect to any such issue, and this Court having determined pursuant to Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in entering a Final Judgment as to all of the plaintiff's claims asserted in said complaint against said consenting defendants and having directed the entry of such a Final Judgment:

NOW, THEREFORE, without the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of plaintiff and of said consenting defendants, it is hereby ORDERED, ADJUDGED and DECREED as FOLLOWS:

I. This Court has jurisdiction of the subject matter hereof and of the parties consenting hereto. The complaint states claims upon which relief may be granted against the consenting defendants under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended. The making and entering of this Final Judgment shall not prejudice or estop plaintiff from obtaining other, further and different relief against the defendants not consenting hereto.

II. As used in the Final Judgment: (A) "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

(B) "Diamond Grit" means synthetic and natural diamond crushing bort, grit or powder used primarily, though not exclusively, as abrasive in metal bonded grinding wheels for grinding of stone, glass and ceramics; in resin bonded wheels for the grinding of tungsten carbide and certain steels; in metal bonded saws for cutting of concrete and masonry and in certain impregnated drills.

(C) "Subsidiary" or "Affiliate" shall mean any person controlled by a consenting defendant or one in which 50 percent or more of the voting rights is owned or controlled by a consenting defendant or by its majority shareholders.

(D) "DeBeers" means defendant DeBeers Industrial Diamond Division Limited and its parent companies, subsidiaries and affiliates.

(E) "United States" means the United States, any territory thereof, the District of Columbia and any insular possession or other place under the jurisdiction of the United States.

III. The provisions of this Final Judgment applicable to the consenting defendants shall also apply to each of their officers, directors, agents and employees, their subsidiaries, successors and assigns, and to all other persons in active concert or participation with such consenting defendants who shall have received actual notice of this Final Judgment by personal service or otherwise. This Final Judgment shall not apply to (i) transactions or activity solely between a consenting defendant and its subsidiaries, affiliates, officers, directors, agents, parent companies, employees or any of them when acting in such capacity or (ii) transactions or activity outside the United States which do not affect the foreign or domestic commerce of the United States, except sales by a consenting defendant to the plaintiff or any agency or instrumentality thereof or (iii) transactions or activity required by the laws or regulations of the jurisdictions in which the transaction or activity takes place.

IV. Each consenting defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement or understanding, with any other person to:

(1) Fix, maintain or stabilize the price for the sale of diamond grit to any third person;

(2) Allocate, limit or divide territories, markets or customers for the sale, production, processing or purchase of diamond grit;

(3) Submit noncompetitive, collusive or rigged bids or quotations for any purchase or sale of diamond grit;

(B) For a period of five years, permitting attendance by any representative of consenting defendant at any conference, meeting or seminar sponsored by DeBeers for its diamond grit distributors, unless such conference, meeting or seminar deals exclusively with technical matters concerning the development and application of diamond grit or other diamond materials.

V. For a period of five years from the date of entry of this Final Judgment, consenting defendants are each ordered to file with plaintiff, every six months for the first two years and annually for the remaining three years, an affidavit in writing listing and describing all subjects relating to the sale or purchase of diamond grit discussed by or communicated to the participants at any meeting, conference or seminar sponsored by DeBeers for its diamond grit distributors.

VI. For a period of five years from the date of entry of this Final Judgment, so long as such consenting defendant is selling or offering for sale diamond grit in the United States, such consenting defendant is prohibited from refusing to sell to any person falling within any class to which such consenting defendant is then selling, who meets the credit and reasonable commercial standards applied to its other customers, upon the written request of such person, if a supply of such diamond grit is available in the form desired; except that, in the event of short supply of any type of diamond grit, such consenting defendant shall allocate supplies upon a reasonable and nondiscriminatory basis, taking into account such factors as historical purchases from consenting defendant.

VII. For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, upon written request for the Attorney General or the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to such consenting defendant made to its principal office, duly authorized representatives of the Department of Justice shall be permitted:

(A) Access to such consenting defendant's principal office during its office hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such consenting defendant, who may have counsel present relating to any of the subject matter contained in this Final Judgment; and

(b) Subject to the reasonable convenience of such consenting defendant, and without restraint or interference from it, to interview at such consenting defendant's principal office, officers or employees who may have counsel present, regarding any such matters.

Upon such written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, such consenting defendant shall submit such reports in writing to the Department of Justice with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this Section VII shall be divulged by any representative of the Department of Justice to any other person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII. Jurisdiction is retained for the purpose of enabling any of the parties consenting to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance with and the punishment of any violations thereof.

IX. Entry of this Final Judgment is in the public interest.

Dated: New York, New York

----------, 1975.

United States District Judge.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. DeBeers Industrial Diamond Division, Limited; ANCO Diamond Abrasives Corporation; and Diamond Abrasives Corporation, Defendants, Civil Action File No. 74 CIV 5390 (LPG), filed: December 17, 1975.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16 (b)-(h) P.L. 93-528 (December 21, 1974)], the United States of America hereby files this Competitive Impact Statement relating to a proposed consent judgment in the above entitled action to be entered against defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation.

(1) *Nature and purpose of the proceeding.*

This action was filed on December 10, 1974 against DeBeers Industrial Diamond Division Limited ("DeBeers"), a South African corporation, and Diamond Abrasives Corporation ("DAC") and Anco Diamond Abrasives Corporation ("Anco"), United States distributors for DeBeers, charging that defendants and other co-conspirators engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in diamond bort, grit and powder ("diamond grit") in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). Diamond grit is synthetic and natural diamond crushing bort, grit and powder used primarily, though not exclusively, as an abrasive in metal bonded grinding wheels for grinding of stone, glass and ceramics; in resin bonded wheels for the grinding of tungsten carbide and certain steels; in metal bonded saws for cutting of concrete and masonry; and in certain impregnated drills. The United States sought relief against the named defendants enjoining the alleged violations, prohibiting defendants from engaging in any other future conspiracies or programs having a similar purpose or effect, and such other relief as the nature of the case might require.

(2) *Practices and events giving rise to the alleged violation of the antitrust laws.*

The complaint alleges that from 1967 to the time of filing the complaint a combination and conspiracy existed among defendants and co-conspirators to fix prices, and to allocate territories and customers, in the sale of diamond grit. The parties to the conspiracy were the named defendants and various co-conspirators including principal officers of the defendants and certain European companies.

The Government would have contended at trial that the charges alleged in the complaint were substantiated by evidence of illegal conduct by defendants and co-conspirators as follows:

(a) participation in meetings at which agreements were made to fix prices and allocate territories and customers in the sale of diamond grit;

(b) agreement by defendants and co-conspirators in a scheme of resale price maintenance for the sale of diamond grit.

The practices giving rise to this action were also investigated by a federal grand jury. The grand jury indicted the same three companies which are defendants in this action for violations similar to those alleged in the complaint. On April 8, 1975, defendants DAC and Anco moved the Court in the criminal action to change their pleas from not guilty to nolo contendere. The pleas were accepted by the Court and DAC was fined $30,000 and Anco $20,000.

In both the civil and criminal actions DeBeers has thus far failed to enter an appearance. Proper service was made on DeBeers through service on DAC as agent for DeBeers. DAC has denied its agency and this issue remains unresolved in both the civil and criminal cases. Direct service on DeBeers in South Africa and the United Kingdom has also been initiated in this case pursuant to Rule 4 of the Federal Rules of Civil Procedure.

The Government and DAC entered into a stipulation that the Government would not attempt to force DAC to stand trial for DeBeers in the criminal or civil case, nor would it attempt to collect from DAC any criminal fine or civil judgment imposed on DeBeers. The Government reserves all rights to assert jurisdiction over DeBeers through DAC. DAC remains liable for its own participation in the conspiracy.

(3) *The proposed consent judgment and its anticipated effects on competition.*

The proposed consent judgment enjoins defendants from all the activities alleged to have constituted the conspiracy. It is anticipated that the conduct prohibited by the judgment and the affirmative duties imposed on the consent defendants will enhance price competition in the diamond grit industry and will insure competitive sources of supply for American users of diamond grit material.

If the proposed consent judgment is approved by the Court, the consenting defendants will each be enjoined from agreeing with any other person to fix prices, to allocate territories or customers, or to submit collusive bids for any purchase or sale of diamond grit. For a period of five years defendants will be enjoined from attending any conference or seminar sponsored by DeBeers for its diamond grit distributors, unless the conference or seminar deals exclusively with technical matters concerning the development and application of diamond materials. Defendants are therefore prohibited from attending any DeBeers seminar dealing with sales information or policies.

For a period of five years Anco and DAC are each ordered to file with the Government, every six months for the first two years and annually for the remaining three years, an affidavit in writing listing and describing all subjects relating to the sale or purchase of diamond grit discussed at any such conference or similar sponsored by DeBeers for its diamond grit distributors.

For a period of five years Anco and DAC are prohibited from refusing to sell diamond grit to any person who meets the credit and reasonable commercial standards applied to their other customers. In the event of short supply, Anco and DAC must allocate available supplies upon a reasonable and nondiscriminatory basis.

The consent judgment affords the Government methods of detecting any new violations by interviewing employees or by inspection of documents and records in control of defendant distributors. Such documents and records shall be made available upon the Government's request.

Any information obtained by the United States pursuant to the consent judgment shall not be divulged except as part of enforcement proceedings or as otherwise required by law.

The District Court retains jurisdiction of the case and may modify the provisions of the consent judgment or add thereto upon application of any of the parties to the consent judgment. Also, the District Court retains jurisdiction for the purpose of enforcing compliance with the consent judgment or punishing violations of it.

(4) *Remedies available to potential private plaintiffs.*

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable relief which they would have had, were the proposed consent judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

(5) *Procedures available for modification of the proposed consent judgment.*

The proposed consent judgment is subject to a stipulation between the United States and the consenting defendants which provides that the United States may withdraw its consent to the proposed consent judgment at any time before the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any person believing that the proposed judgment should be modified may, for a 60 day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to them. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

(6) *Alternatives to the proposed judgment considered by the United States.*

In view of the fact that the consent judgment provides for relief which does not differ from that sought in the complaint, neither a substantially different judgment not full trial on the merits was considered an appropriate alternative to settlement. In addition to considering provisions substantially similar to those contained in the proposed judgment, proposals considered by the Government and then rejected included a prohibition against providing DeBeers with any list of customers, a prohibition against participating in any sale of diamond grit where DeBeers determined the price, and a requirement that Anco and DAC seek supplies of diamond grit from sources other than DeBeers.

The prohibition against providing the names of any customers was considered unnecessary because any such arrangement with an anticompetitive effect is already prohibited by Paragraph IV(A) of the judgment. Moreover, there are legitimate reasons for giving the names of some customers to a supplier, such as a list of good customers to be invited to a technical seminar concerning new developments in the industry. The injunction against consenting defendants' participation in a sale of diamond grit where DeBeers set the price was dropped because, if the sale was one where title passed to DAC or Anco, it would already violate the terms of Paragraph IV(A); if title did not pass, DAC or Anco would be acting as DeBeers' agent, and such conduct would not, standing alone, violate the antitrust laws. The requirement to seek alternative sources of supply was considered unnecessary because of the nature of the industry and the lack of any strong connection to the violations alleged. There appears to be no great barrier to the entry of other distributors into the industry if another supplier should appear, and thus it is doubtful that any serious new entrant would wish to share a distributor with another major supplier. Moreover, DAC and Anco are free to seek other sources of supply if they so desire.

(7) *Determinative documents.*

There are no materials or documents, which the Government considered determinative, in formulating this proposed consent judgment. Therefore, none is being filed along with this competitive impact statement.

Dated: December 17, 1975.

Joel Davidow, Richard L. Daerr, Jr., Stephen P. Kilgriff, Attorneys, Department of Justice.

[FR Doc.75-34691 Filed 12-23-75;8:45 am]

Drug Enforcement Administration

[Docket No. 75-25]

MAX JACOBSON

Revocation of Registration

On June 4, 1975, the Acting Administrator of the Drug Enforcement Administration (DEA) issued to Max Jacobson, M.D., of New York, New York, an order to show cause as to why the DEA registration previously issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked pursuant to Section 304 of that Act (21 U.S.C. 824) for reason that on April 29, 1975, the Board of Regents and the Education Department of the State of New York revoked Dr. Jacobson's license and registrations to practice as a physician in the State of New York, including his authorization to handle controlled substances under New York law.

On June 27, 1975, Dr. Jacobson (hereinafter, "Respondent") through his attorney requested that the DEA defer

further action on the order to show cause. Respondent was subsequently advised to direct his request to the Administrative Law Judge. On September 25, 1975, counsel for the Government requested that the Honorable Francis L. Young, Administrative Law Judge, rule upon Respondent's request of June 27 and, on September 26, 1975, Judge Young advised counsel for the Respondent and the Government that he would consider Respondent's letter of June 27, 1975, as a timely request for a hearing on the order to show cause and a motion for postponement of such hearing. Judge Young requested that the Government provide him with a statement of its position on the motion. By letter of October 15, 1975, counsel for the Government advised Judge Young of its opposition to postponement for reason that on June 26, 1975, the Third Department, Appellate Division of the Supreme Court of the State of New York, had denied Respondent's motion for a stay of the State Education Commissioner's Order revoking Respondent's license to practice pending appellate review of said order and the underlying proceedings.

On October 21, 1975, Judge Young denied Respondent's motion for postponement and ordered the parties to submit prehearing statements on or before November 4, 1975.

On November 10, 1975, Judge Young ordered that a hearing in this matter be held at the Drug Enforcement Administration, Washington, D.C., on December 2, 1975. On that date, at 10 a.m., said hearing commenced, Judge Young presiding.

The Government offered into evidence in this matter documents from the State of New York detailing the proceedings before the Committee on Professional Conduct and the Board of Regents and including the Commissioner of Education's Order revoking Respondent's license to practice. These documents showed that the Committee on Professional Conduct had based its recommendation for revocation upon findings that the Respondent was guilty of numerous specifications of unprofessional conduct and fraud and deceit in the practice of medicine. The documentary evidence was admitted without objection.

Counsel for the Respondent stated that the Respondent conceded that his license to practice had been revoked and that Respondent would not contest revocation of his DEA registration upon condition that the Government would accept a stipulation to the effect that the DEA would expedite a new application for registration should Respondent's license to practice be reinstated and provided that no independent grounds for denial or revocation then existed. Counsel for the Government accepted this stipulation on behalf of this agency.

On December 16, 1975, Judge Young ruled that the Respondent had effectively withdrawn his request for a hearing and ordered that all proceedings in this matter before the Administrative Law Judge be terminated.

The Acting Administrator has reviewed the facts and applicable law and regulations in this matter and concludes that, although a prima facie case for revocation has been presented, the Respondent's consent to revocation should be accepted. The aforementioned stipulation is hereby affirmed.

Accordingly, under the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act of 1970, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and further having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that the certificate of registration of Max Jacobson, M.D. (DEA Registration #AJ4502856) be revoked.

In view of the consensual nature of this revocation proceeding, this order shall be effective immediately upon publication.

Dated: December 22, 1975.

HENRY S. DOGIN,
Acting Administrator.

[FR Doc.75-34917 Filed 12-23-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting at the Ramada Inn/Rosslyn, Dogwood Room, 1900 N. Ft. Myer Drive, Arlington, Virginia on January 20 and 21, 1975. The meeting will be from 9 a.m. to 5 p.m. both days and will be open to the public.

Discussion will focus on the review, comments, and vote on the following chapters in the report:

1. Corruption
2. Private Sector and Organized Crime
3. Business Industry and the Professions
4. Education and Training

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney Advisor,
Office of General Counsel.

[FR Doc.75-34824 Filed 12-23-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BOISE DISTRICT ADVISORY BOARD MEETING

Notice of Postponement

Notice is hereby given that the Multiple Use Advisory Board meeting of the Boise District of the Bureau of Land Management scheduled for January 8, 1976 has been postponed.

Notice of this meeting was published December 11, 1975 in the FEDERAL REGISTER (40 FR 57699).

The meeting will be rescheduled and the appropriate notice published in the FEDERAL REGISTER.

D. DEAN BIBLES,
District Manager.

DECEMBER 12, 1975.

[FR Doc. 75-34689 Filed 12-23-75;8:45 am]

[Serial Number A 9281]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed application A 9281 for inclusion of the lands described below within the National Forest System and, subject to valid existing rights, withdrawal of the lands from all forms of appropriation except under those laws and regulations applicable to National Forest lands.

The subject lands, which lie within the boundaries of the Sitgreaves National Forest, were reconveyed to the United States pursuant to an exchange under section 8 of the Taylor Grazing Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), and are currently under the jurisdiction of the Bureau of Land Management. Lands acquired under section 315g which are within the exterior boundaries of a national forest and which are determined by the Secretary of Agriculture to be suitable for administration as a part of the National Forest may be set apart and reserved by the Secretary of the Interior by public land order as a part of such National Forest pursuant to the Act of July 9, 1962, 43 U.S.C. 315 g-1.

Until January 23, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Department of Interior regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources, and will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record. If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

SITGREAVES NATIONAL FOREST

T. 13 N., R. 13 E.,
Sec. 7, S½S½S½NE¼, SE¼.

The areas described aggregate 180 acres in Coconino County, Arizona.

Dated: December 15, 1975.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75-34690 Filed 12-23-75;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

DECEMBER 16, 1975.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 8:15 a.m. January 15, 16, 1976 at the Little America Motel, Cheyenne, Wyoming.

The agenda will incude a discussion of the Bureau's forestry progam in Wyoming; the identification of issues and recommendations from the Board for action; forage allocation for yearlings; data collection and exchange systems; and a report on the National Advisory Board Steering Committee meeting.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the second day of the meeting. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement must inform the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, in writing by close of business January 8, 1976. Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a writen statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001.

Further information concerning the meeting may be obtained from Mr. John Burnett, Chief, Office of Public Affairs, Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001. His telephone number is (307) 778-2220, ext. 2384.

DANIEL P. BAKER,
State Director.

[FR Doc. 75-34641 Filed 12-23-75;8:45 am]

Fish and Wildlife Service

TAKING OF WALRUS

Decision on Waiver of Moratorium

Pursuant to 50 CFR 18.75(c), 40 F.R. 6663 (February 13, 1975), the decision of the Director on the proceeding to waive the moratorium imposed by the Marine Mammal Protection Act of 1972 on the taking and subsequent importation of Pacific walrus is herewith published. There is also published below, a draft of Subpart H which will be used by the Service as a guideline in the development of regulations to implement the Administrative Law Judge's recommendation for a new subpart to set forth specific limitations concerning the taking and/or importation of each species of marine mammal for which the moratorium is waived. Simultaneously published [1] are subpart F regulations as revised in accordance with the Director's decision and those portions of the Administrative Law Judge's recommendations accepted by the Director. Those regulations provide for the implementation of a waiver of the moratorium and establish standards by which a state's management program for the protection and taking of a species of marine mammal within the state's jurisdiction will be evaluated.

The Director's decision to waive the moratorium imposed by section 101(a) of the Act, 16 U.S.C. 1371(a), on the taking of Pacific Walrus is final. However, the waiver of the moratorium will not be implemented, and Pacific Walrus may not be taken, unless the conditions set forth in the decision are satisfied and the State of Alaska's management program, as revised in accordance with the Director's decision and those portions of the Administrative Law Judge's decision adopted by the Director, is approved by the Director. Upon approval by the Director of the revised management program to be submittted by the State of Alaska, final regulations in subpart H will be promulgated to implement the waiver.

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

DECEMBER 17, 1975.

DECISION CONCERNING WAIVER OF MORATORIUM ON WALRUS UNDER REGULATIONS FOR A COOPERATIVE STATE/FEDERAL CONSERVATION PROGRAM (DOCKET NO. WASH 75-1)

Following review of the record and exhibits in the proceeding In Re: Waiver of Moratorium on Walrus, Docket No. Wash 75-1, I hereby adopt and incorporate by reference those portions of the Administrative Law Judge's decision that are not inconsistent with my discussion of the proceeding hereinbelow.

[1] See FR Doc. 75-34637, Title 50, Chapter I, Part 18, in the Rules and Regulations section.

The history of this proceeding is found in the Administrative Law Judge's recommended decision (pages 4-8) on file at the Office of the Director, U.S. Fish and Wildlife Service, Washington, D.C.

Following the Administrative Law Judge's recommended decision opportunity was provided to all parties for the filing of exceptions.

Exceptions were filed by the following parties:

The Environmental Defense Fund, Project Monitor, Inc., and affiliated groups; Friends of Animals, Inc., and Committee for Humane Legislation; The Alaska Professional Hunters Association; the Marine Mammal Commission; the State of Alaska; and the United States Fish and Wildlife Service.

As all parties are aware, since enactment of the Marine Mammal Protection Act, actually no total moratorium on the taking of walrus has existed as native Alaskans were allowed to take walrus for subsistence and cottage industry purposes, without bag limits or restrictions, as long as the taking was not in a wasteful manner and there was no finding of depletion of the resource.

As I interpret my duty under the Act, to waive the moratorium or to allow importation of marine mammals or marine mammal products, I must, in making such determination, be assured that the taking of such marine mammals is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of the Act.

This determination is to be made on the best scientific evidence available and in consultation with the Marine Mammal Commission. The record indicates that all parties agree the testimony offered in evidence was the best scientific evidence available. I am satisfied that the testimony offered was the best scientific evidence available.

The Act provides that the resource shall not be permitted to diminish below optium sustainable population. The term optium sustainable population is defined in the Act as:

> * * * with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

The evidence from experts in the field showed that the resource exceeded the population level at which the maximum productivity rate was achieved and was above the minimum range of the optimum sustainable population.

Although the condition of habitat for walrus has not evidenced any obvious problems related to carrying capacity, it is inconsistent with the principles of sound wildlife conservation to base management actions on a clear indication of habitat deterioration alone. Rather, it is important to consider that proper re-

source conservation must be predicated on avoiding a situation that will lead to habitat deterioration. Evidence presented suggests that the herds of walrus are becoming crowded and that population estimates suggest that in the very near future the habitat will be adversely affected.

The vast majority of witnesses testifying stated that the walrus population had substantially increased under State regulations and indeed there was more regulation and control of the taking of the resource than under the Federal Act.

The judge found that the scientific evidence available supported my preliminary determination that a waiver of the moratorium was appropriate from the standpoint of population and habitat dynamics. However, in his recommended decision he also found that several amendments and additions to the proposed State regulations would be required to insure the population level and to prevent commercial exploitation of the resource.

It is my decision to proceed in that manner and waive the moratorium upon satisfactory amendments to the State regulations to guarantee the health and welfare of the species and the well-being and stability of the marine ecosystem.

My decision is to let the procedural issues brought to the attention of the Administrative Law Judge stand per the judge's decision, as that was the forum for those matters and arguments of counsel were put forth on the record.

The Federal Regulations

With respect to the proposed Federal regulations, I reject the Administrative Law Judge's recommendation that subpart F apply generally to all species. This proceeding is limited to walrus. We intend to publish in the future regulations of general applicability which will pertain to all species.

Additionally, I reject the Administrative Law Judge's recommendations as to the following sections:

Section 18.3 (R.D. at 20). Placing the definition of population stock in section 18.3 would be redundant and serve no useful purpose since the expression is defined in section 3(11) of the Marine Mammal Protection Act of 1972.

Section 18.54(e) (R.D. at 25). In the fifth line of this section, the "if any" is superfluous. Because this Subpart F deals exclusively with approval of state laws and regulations pursuant to a waiver of the moratorium, at the least the moratorium provision of section 101 will be waived. Thus there will always be at least one provision of section 101 waived and the "if any" is inappropriate.

Section 18.54(h) (R.D. at 28). The Administrative Law Judge recommends that the State laws and regulations be adopted as Federal regulations. I believe that the language below provides for a more workable regulatory framework, and I adopt that language:

> If the Director has approved State laws and regulations pursuant to this subpart, all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State must be in accordance with the approved State laws and regulations. Any violation of State laws and regulations occurring beyond the jurisdiction of the State shall be punishable in accordance with section 105 of the Act.

Thus, the Federal regulation would require all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas, to be in accordance with the approved State laws and regulations.

I am in agreement with the recommendation for a new subpart H to more specifically delineate the scope and nature of the waiver as it applies to walrus and the conditions precedent to approval and adoption of the State law and regulations; however it is my decision to modify those recommendations relating to subpart H as attached.

Reconsideration of waiver on walrus. I have determined that continuance of the waiver of the moratorium on walrus should be reconsidered in connection with the application of the State of Alaska for return of management of the 8 other species; such reconsideration, however, to be to the extent that any new evidence has been developed between the closing of the record in this proceeding and the opening of the record in the proceeding on the other 8 species. Recommendation number 4 (R.D. at 69) is hereby modified and adopted as follows:

4. Continuance of the waiver of the moratorium and approval of the cooperative State/Federal management program for Pacific Walrus be reconsidered in connection with the application of the State of Alaska for return of management responsibility for marine mammal species within its jurisdiction; such reconsideration to be limited to (1) new evidence developed subsequent to the close of the record in the walrus proceeding, and (2) the interrelationships between walrus and the other species under consideration.

The State Program

The areas in which it is my decision to vary from the Administrative Law Judge's recommended decision with respect to the State management program are based on the extensive record.

1. *Use of High Caliber Rifle* (R.D. at 49). It is my decision to restrict the taking of walrus by non-subsistence hunters to a hand held rifle using a center fire cartridge of not less than 2,500 foot pounds of muzzle energy. As the record reflects, other than for hunting walrus, such a weapon would be of very little use to the Native and other subsistence hunters, and would be very expensive for them to acquire. I therefore reject the Administrative Law Judge's recommendation of a 30.06 rifle for all hunters.

2. *Shooting Walrus in Water* (R.D. at 50). The recommendation that walrus be taken only on ice would impose undue hardship on those Native hunters who might find walrus only in water. Many walrus shot on ice will tumble into the water whence they must be retrieved. If a harpoon is available, and its availability is required by this decision, the problem of retrieval from water will be minimized. Thus, the hunter is properly equipped and able to retrieve walrus from water. I reject the Administrative Law Judge's recommendation that there be a prohibition against shooting walrus in water.

3. *Prohibition on killing a pregnant or nursing cow, nursing calves or calves less than eight months* (R.D. at 51). The ALJ based this recommendation upon section 102(b) of the Act which prohibits, inter alia, importation of pregnant, nursing or less than eight months old marine mammals. However, upon approval of state laws and regulations, section 109 of the Act provides that the "Provisions of this Act * * * shall not apply * * *." Thus, section 102 is not applicable upon approval of state laws and regulations.

Moreover, calf hides and other parts are utilized by Natives for various purposes. Again, the State has recognized such use and its bag limits accommodate those uses. Additionally, to distinguish a 3,000 pound pregnant female from a non-pregnant one, particularly in the early stages of pregnancy, is a task of no easy accomplishment. I reject the ALJ's recommendation that there be a prohibition on killing a pregnant or nursing cow, nursing calves or calves less than eight months.

4. *Marking of Raw Ivory* (R.D. at 48). While the recommendation that raw ivory be marked is laudable and was suggested by the Fish and Wildlife Service, the Service testified that at the present there is no existing satisfactory method for marking and accounting for ivory. This recommendation of the ALJ will be held in abeyance pending a study which will be undertaken by the Fish and Wildlife Service to devise a satisfactory method of marking raw ivory.

5. *Prohibition on Taking of Females for Ivory Alone* (R.D. at 50). The record indicates that for certain purposes ivory from females is more desirable than that from males. The State has recognized this fact and allows the taking of a limited number of walrus for ivory alone. The State's bag limit of 5 female walrus has resulted in a great increase in the walrus population over the 15-year period during which the State had jurisdiction over walrus. Thus, I believe that a prohibition on the taking of female walrus for ivory alone is unnecessary and I reject that recommendation of the ALJ.

U.S. Fish and Wildlife Service enforcement personnel will enforce the State regulations and State officials will enforce Federal regulations. This is presently accomplished by the deputization of State officials as Federal officers and Federal officers as State officers.

Conclusion

I am required by section 109(a)(3) of the Act, to continuously monitor and review the laws and regulations of the State to insure that such laws and regulations are in substantial compliance with the provisions of the Marine Mammal Protection Act and to resume responsibilities under the Act upon a finding of non-compliance.

It is my decision to waive the moratorium, and implement the Federal/State management program in accordance with the Federal regulations developed by the Fish and Wildlife Service.

This determination is contingent upon my approval of Alaska State laws and regulations revised in accordance with the foregoing discussion and those portions of the Administrative Law Judge's decision pertaining to the State's management program (Administrative Law Judge decision at 44–51) which I have adopted. A final notice of waiver will be published in the FEDERAL REGISTER upon my approval of the revised State laws and regulations.

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

DECEMBER 17, 1975.

NOTE: The regulations in draft form as set forth below are issued for guidance only.

Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species

§ 18.90 *Purpose of regulations.* The regulations contained in this subpart fulfill the requirements of section 103 of the Act for regulations to govern the taking and importation of each species of marine mammal for which the moratorium imposed by section 101 has been waived.

§ 18.91 *Scope of regulations.* (a) The provisions in this subpart apply only after (1) the Director has made a decision to waive a moratorium pursuant to section 101(a)(3)(A) of the Act, (2) the opportunity for a hearing required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by section 18.31, of this part, or takings incidental to commercial fishing operations which are governed by section 18.24 of this part.

§ 18.92 *Pacific walrus (Alaska).*

(a) Pursuant to sections 101(a)(3)(A), 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (*Odobenus rosmarus*) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, effective with publication of a notice of approval of the laws and regulations of the State of Alaska, subject to the following terms and conditions:

(1) The exemption for hunting and killing of Pacific walrus by Alaskan natives under section 101(b) of the Act is rescinded and superseded by the regulations relating to the hunting and killing of Pacific walrus as set forth in this section.

(2) Hunting and killing of Pacific walrus by Alaskan natives will be accomplished in the manner and in accordance with the limitations set forth in this section.

(3) Sport hunting of Pacific walrus by licensed sport hunters will be accomplished in the manner and in accordance with the limitations set forth in this section.

(4) Officers, employees or agents of the State of Alaska may take Pacific walrus in accordance with a State research or conservation program approved by the Director in connection with the approval of the State's laws and regulations pursuant to subpart F of these regulations.

(5) Importation of Pacific walrus taken on the high seas will be permitted only when imported into the State of Alaska, and when taken in accordance with the limitations of this section.

(6) No part or product of a Pacific walrus taken under the provisions of this section may be shipped on interstate or foreign commerce unless it is marked, tagged, or otherwise identified as required by State law or regulation and such mark, tag, or other identification remains on the part or product until the final stages of processing.

(7) The taking or importation of Pacific walrus by all other persons, vessels, or other conveyances remains subject to the moratorium and the prohibitions set forth in the Marine Mammal Protection Act and subpart B of these regulations.

(8) Whenver retrieved takings exceed 3,000 walrus in any regulatory year, or the walrus herds diminish below the range of optimum sustainable population, the moratorium on the taking of walrus provided for in section 101(a) of the Marine Mammal Protection Act, 16 U.S.C. section 1371(a) will automatically be reimposed.

(b) All activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State of Alaska must be in accordance with title 16 of the Alaska Statutes and the approved regulations promulgated thereunder.

(c) A violation of the provisions of the preceding subsection which occurs beyond the jurisdiction of the State of Alaska shall be punishable in accordance with section 105 of the Act.

[FR Doc.75-34636 Filed 12-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 104]

COTTON

Hinds and Madison Counties, Mississippi, and All Counties in Alabama and Louisiana

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for cotton crop insurance in Hinds and Madison Counties, Mississippi, and all counties in Alabama and Louisiana, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 20, 1976. 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.75-34724 Filed 12-23-75;8:45 am]

[Notice No. 105]

RICE

Arkansas, Louisiana, and Mississippi

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for rice crop insurance in Arkansas, Louisiana, and Mississippi, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 20, 1976. 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.75-34725 Filed 12-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Wednesday, January 28, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

General Session: (1) Opening remarks by the Chairman. (2) Presentation of papers or comments by the public. (3) Discussion of integrated circuits.

Executive Session: (4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be

submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittese thereof is hereby published.

Dated: December 22, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the semiconductor industry, the Semiconductor Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has seven members representing industry and seven members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegates) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These COCOM control list as it relates to the commeetings will include discussions of the modities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 1977, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

GUY CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.
ALFRED MEISNER,
Acting General Counsel.

NOVEMBER 21, 1975.

[FR Doc.75-34768 Filed 12-23-75;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, January 27, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

General Session: (1) Review of meeting minutes of October 29, 1975. (2) Remarks by Rauer H. Meyer, Director, Office of Export Administration. (3) Presentation of papers or comments by the public. (4) Classification methods for foreign availability and technology classification. (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Com-

merce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, is hereby published.

Dated: December 22, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade Department of Commerce.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the computer industry, the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee which currently has fifteen members representing industry and ten members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552 (b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 1977, from the provisions of Section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

GUY CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

NOVEMBER 25, 1975.

ALFRED MEISNER,
Acting General Counsel.

NOVEMBER 21, 1975.

[FR Doc.75-34769 Filed 12-23-75;8:45 am]

National Bureau of Standards

COMPUTER OUTPUT MICROFORM FORMATS AND REDUCTION RATIOS

Proposed Federal Information Processing Standard

Under the provisions of Public Law 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed standard for Computer Output Microform Formats and Reduction Ratios is being recommended for Federal use. This proposed standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

In order to insure that all parties have a full opportunity to present their views, NBS is soliciting comments on the following Computer Output Microform Formats and Reduction Ratios Standard. This standard will be applicable to all COM systems generating information for conversion to microforms using business-oriented fonts. The microform formats and associated reduction ratios specified by this proposal will be the only formats and reduction ratios authorized for use within the Federal government and will be required for all new COM systems and applications.

The proposed Federal Information Processing Standard contains two basic sections: (1) an announcements section which provides information concerning the applicability, implementation and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. Both sections are provided in their entirety in this notice.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before March 23, 1976.

Dated: December 17, 1975.

ERNEST AMBLER,
Acting Director.

Foreword. The use of microforms in the recording and dissemination of data and information is widespread in the Federal Government and the volume is steadily increasing, particularly for that information generated by computer. Therefore, the uniformity of Computer Output

Microforms is essential in order to enhance the exchange and utilization of recorded information, and to provide compatibility of processing and user equipment. It is also essential that the number of different Computer Output Microform formats and reduction ratios be kept to a minimum in order to reduce the variety of equipment required. The Computer Output Microform Standards Group (TG-18) was formed by the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) to standardize certain aspects of Computer Output Microforms to meet Federal agency needs. This standard has been developed and issued for this purpose.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION—1975

Announcing the Standard for Computer Output Microform Formats and Reduction Ratios

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of Standard. Computer Output Microform Formats and Reduction Ratios.

Category of Standard. Hardware Standard, Media.

Explanation. This standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Applicability. This standard is applicable to all computer output microfilm systems generating information for conversion to microforms using business-oriented fonts.

New COM Systems and Applications. The microform formats and associated reduction ratios specified herein are the only formats and reduction ratios authorized for use within the Federal Government and are mandatory for all new COM systems and applications.

Existing COM Systems and Applications. Users of existing COM systems and applications are encouraged to comply with this standard. Systems and applications not in accordance with this standard shall be evaluated periodically by heads of departments or agencies and the merits of converting to the standard weighed.

Specification. Federal Information Processing Standard ____, Computer Output Microform Formats and Reduction Ratios (affixed).

Implementation Schedule. All microforms produced by or for Federal agencies and equipment or services acquired after the date of this FIPS PUB must be in conformance with the specifications contained herein. Exceptions to this standard are made in the following cases:

a. For microforms, equipment, or services produced, procured, or on order, prior to the date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Requests for proposals or Invitations for Bids have been issued) on the date of this FIPS PUB.

Waiver Procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the production or procurement of non-conforming microforms will be coordinated in advance with the National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be effective until a reply is received from the National Bureau of Standards; however, the final decision for the granting of a waiver is a responsibility of the agency head.

Where to Obtain Copies of the Standard.

a. Copies of this publication are available from the Superintendent of Documents, U.S Government Printing Office, Washington, D.C. 20420 (SD Catalog Number C13.52:____).

b. Microfiche of this publication is available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Refer to Report Number NBS-FIPS-PUB-____ and title

FEDERAL INFORMATION PROCESSING STANDARDS ____ 1975

Specifications for Computer Output Microform Formats and Reduction Rates

1. *Name of Standard.* Computer Output Microform Formats and Reduction Ratios.

2. *Category of Standard.* Hardware Standard, Media.

3. *Explanation.* This standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

4. *Specifications.* This standard covers microform formats and reduction ratios for Computer Output Microforms (COM) using business-oriented fonts.

4.1 The choice of microform formats and associated reduction ratio(s), from among those specified herein, for use in a particular system or application is not prescribed by this standard. These choices will be based on user needs and developed from other criteria.

4.2. *Authorized Formats and Effective Reduction Ratios.*

a. 16mm roll film (24:1).

(1) Cine mode (IA).

(2) Comic mode (IB).

b. 105mm X 148mm microfiche.

(1) 63 frame (7 rows X 9 columns) 24:1.

(2) 98 frame (7 rows X 14 columns) 24:1.

(3) 270 frame (15 rows X 18 columns) 48:1.

(4) 420 frame (15 rows X 28 columns) 48:1.

4.3. *Requirements.*

a. *Legibility.* All characters must be recorded so they are readable by the user. This means that the quality of the master recordings must be sufficiently high to allow for the normal image degradation that results when making subsequent generation copies for the end user. Typically, there is about a 10% loss in the ability to duplicate very closely spaced points for each subsequent generation. The images of the smallest characters should measure at least 0.05 mm in height on the original microform. This represents a character height at an effective magnification of 24X of approximately 1.2 mm and at 48X of approximately 2.40 mm.

b. *Roll film.* See Formats 1 and 2.

c. *Microfiche.* See Formats 3 through 6.

(1) *Pagination.* Either vertical or horizontal pagination will be used in the creation of microfiche. When the microfiche is oriented so that the designated header area is upright and right reading, the first data frame will be placed in the left most position of the row immediately below the header.

(a) *Vertical pagination.* Frames following the first data frame will appear in sequence from top to bottom through the rows and from left to right through the columns.

(b) *Horizontal pagination.* Frames following the first data frame will appear in sequence from left to right through the row and from top to bottom through the columns.

(c) *Identification.* When used, identification of the method of pagination will be through use of an arrow placed in the header area. Vertical pagination will be designated by an arrow pointed downwards (↓). Horizontal pagination will be designated by an arrow pointing to the right (→).

(2) *Identification of sensitized film side.*

(a) *Silver original.* When the microfiche is held so that the header is upright and right reading, the sensitized (emulsion) side will be away from the observer.

(b) *Pre-cut stock or duplicates.* The sensitized side shall be identified by one of the following methods.

1 Method A—When a sheet of raw film or a duplicate microfiche is held with the long sides in a vertical position and either the notch or the corner cut is in the upper right hand corner, the sensitized side will be towards the observer as specified in American National Standard, PH1.10-1969, *Designation of Emulsion Side of Photographic Sheet Film.*

2 Method B—When a sheet of raw film or a duplicate microfiche is held with the long sides in a horizonal position and the notch is in the lower right corner or the corner cut is in the upper left corner, the sensitized side is towards the observer.

(c) *Identification techniques.*

1 Corner Cutting—To identify the sensitized side of a microfiche, a corner cut may be placed in the upper left corner of the header area when the sensitized side is facing the observer and the header is at the top. The cut shall extend a nominal 6mm along the long dimension (top) and a nominal 9mm along the short dimension (left side) of the microfiche.

2 Notching—in lieu of a corner cut, a notch may be placed along the right short dimension (side) near the bottom, when the sensitized side is facing the observer and the header area is at the top. The notch may be of any shape but shall not penetrate more than 1.6mm inward from the edge.

(3) *Header area.* The header area constitutes the top of the microfiche. The minimum area reserved for the header shall be used only for header and identification purposes on all microfiche and shall not be used for microimages. If additional header space is required, the area dedicated to the next entire row or rows of images shall be used. When this option is utilized, row identification shall remain unchanged. All header characters shall be upright and right reading, and at least 2mm in height. All characters shall be readable without magnification. The minimum areas reserved for the header are indicated in the figures for the microfiche formats by shading.

(4) *Frame identification.* When coordinates are used to identify the location of images, alphabetic characters shall be used to identify rows. Starting at the top left corner, under the minimum header area, the first row of microimages shall be A, the next B, the next C, and so on. Columns shall be identified numerically. Starting at the left, the first column shall be 1, the second 2, and so on.

(5) *Index.* If an index to the microfiche is to be provided, the placement of the last microimage of the index shall be in the bottom right corner frame of the grid area.

(6) *Trailer identification.* When trailer microfiche are used, each mirficofiche in the set, including the first one, should be sequentially identified. This information shall appear in the right-most portion of the header area.

(7) *Cut mark.* A cut mark will be proided for automatic cutting of 105mm roll film into microfiche. This cut mark shall be 3.0mm × 3.0mm square and the center of the square shall be located 32mm± 0.2mm along the bottom edge from the reference corner of each microfiche area.

(8) *Squareness.* Each side of the microfiche shall be perpendicular to the bottom (reference) edge within ±0.13mm for each 25mm of height of the microfiche. The total deviation of the side edges from the perpendicular to the bottom (reference edge) shall not cause the length of the tow edge of the microfiche to exceed 148mm plus 0.0mm, minus 1.0mm.

(9) *Edge straightness.* Each of the four edges of a microfiche shall be capable of falling between two straight parallel lines 0.25mm apart.

(10) *Curl and bow.* The curl or bow of a sheet of microfiche, when placed convex side down on a flat surface for at least six hours in a 70°F., 50% relative humidity atmosphere, shall have no part of the microfiche more than 6.35mm above the surface. (See ANSI Standard PH1.29–1971, *Methods for Determining Curl of Photographic Film*).

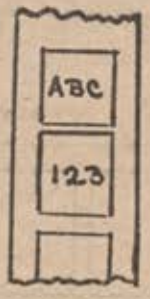
(11) *Corner rounding.* Where corner rounding is employed, the process shall not remove at any corner more than 3mm of either of the two sides which form the corner.

5. *Definitions.* Definitions needed for clarification of this standard are given in this section.

Application

Any use of COM that satisfies particular information requirements.

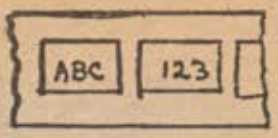
Cine (motion picture) oriented images (IA orientation) Jargon used with intent to reference images oriented on microfilm as follows, otherwise known as IA orientation.



Column. A vertical series of microimages on a microfiche.

COM. Computer Output Microform: Any microform containing images generated by a recorder, and duplicates thereof.

Comic strip oriented images (IB orientation) Jargon used with intent to reference images oriented on microfilm as follows, otherwise known as IB orientation.



Cut Mark. A mark added to film to permit automatic cutting of microfiche from a roll of film.

Format. A dimensioned layout containing requirements for size, arrangement and orientation of microimages upon a microform.

Frame. The total area allocated for exposure, regardless of whether or not this area is filled by the document or data image.

Header. Information, which is readable without magnification, placed at the top of a microfiche.

Microfiche. A sheet of film containing multiple microimages in a grid pattern.

Microfilm. (1) A high resolution film containing an image or images greatly reduced in size from the original. (2) To record microimages on film.

Microform. A generic term for any form containing microimages.

Microimage. A unit of information, such as a page of text or a drawing, too small to be read without magnification.

Micrographics. The science, art and technology of document and information miniaturization and associated microform systems.

Notch. Used to identify the sensitized side of a peace of photographic film.

Reduction, effective. A measure of the number of times a given linear dimension of a similar conventional document would be reduced to equal the size of the COM generated microimage.

Row. A horizontal series of microimages on microfiche.

Sensitized Side. The side of the microform coated with a photosensitive material.

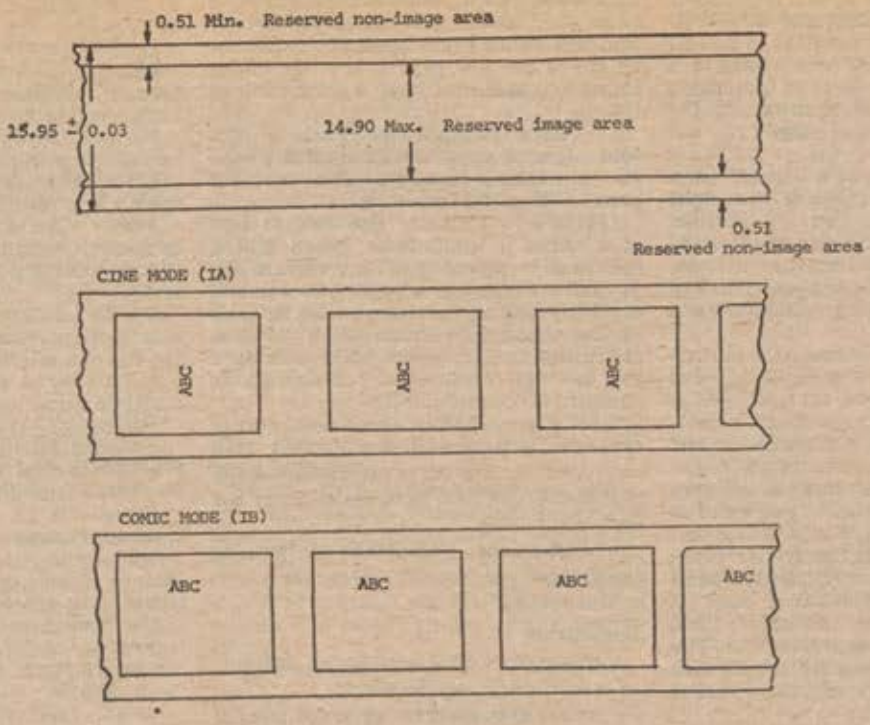
Specification. A document which describes the essential and technical requirements for items, materials and services including procedures by which it will be determined that the requirements have been met.

Standard. A document that establishes engineering and technical limitations and applications for items, materials, processes, methods, designs and engineering practices.

System. (1) All the harware, software, microforms, etc. employed from production through utilization. (2) An assembly of elements used to fulfill an application requirement.

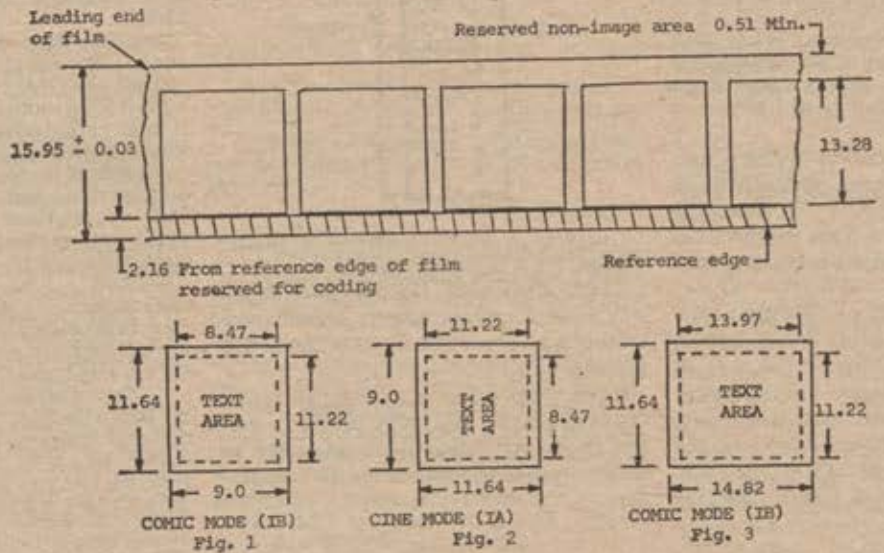
5. *Dimensioning.* The dimensions used in this standard are expressed in the metric system (SI), all dimensions shown being in millimeters. See FIPS Pub 34, *ANSI Metric Practice Guide* Z210.1 (ASTM E380–72).

FORMAT 1. 16mm Roll Microfilm 24:1



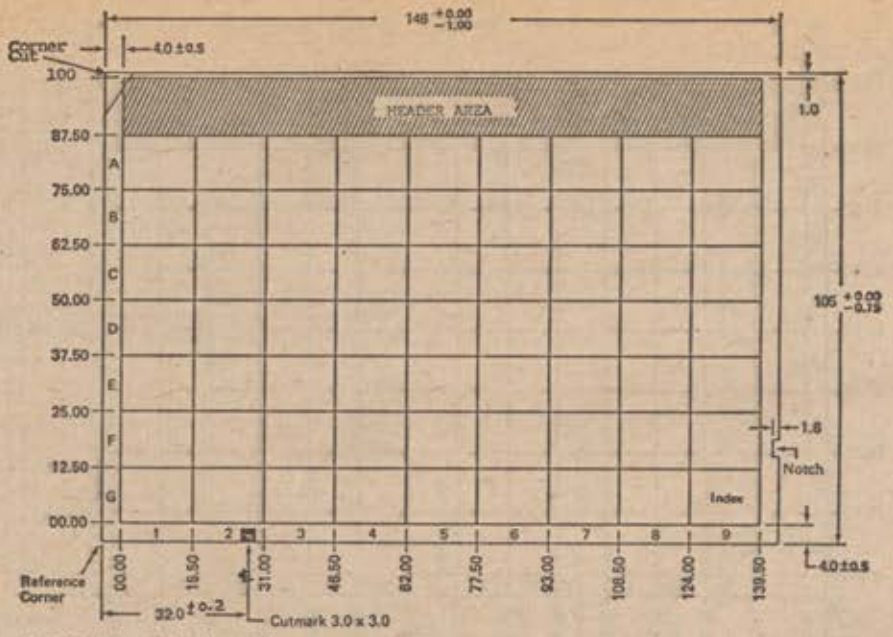
1. Effective reduction 24:1.
2. Dimensions in millimeters.

FORMAT 2. 16mm Roll Microfilm, Document Mark (Blip), 24:1

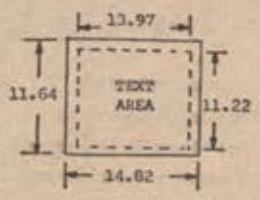


1. Effective reduction 24:1.
2. Dimensions in millimeters.
3. The text area shown in figure 1 and 2 represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).
4. The text area shown in figure 3 represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

FORMAT 3. Microfiche 63 Frame (7 Rows X 9 Columns) 24:1

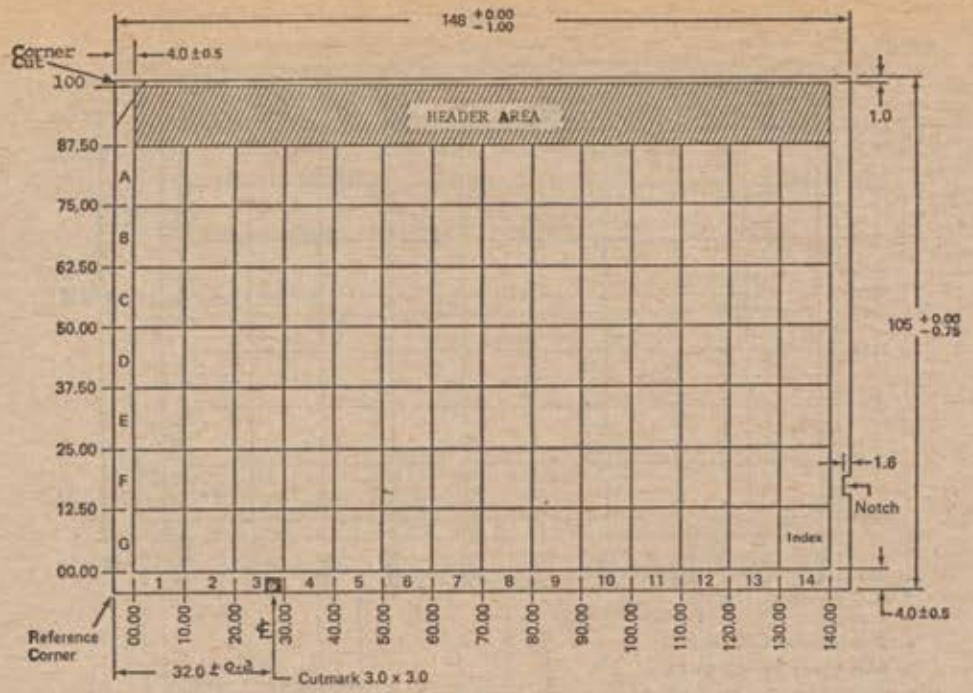


1. Effective Reduction 24X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.

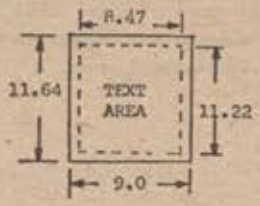


The text area shown represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

FORMAT 4. Microfiche 98 Frame (7 Rows X 14 Columns) 24:1

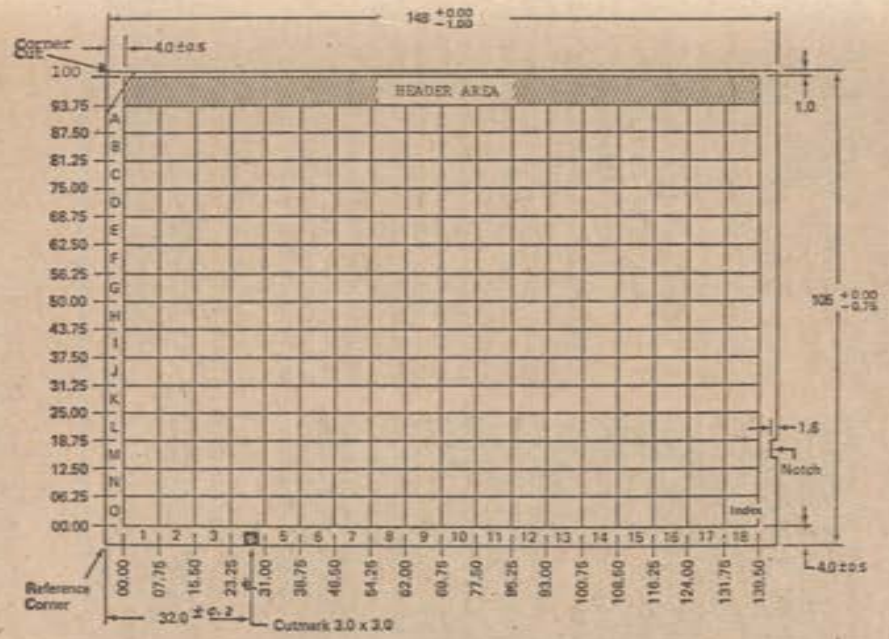


1. Effective Reduction 24X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.



The text area shown represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).

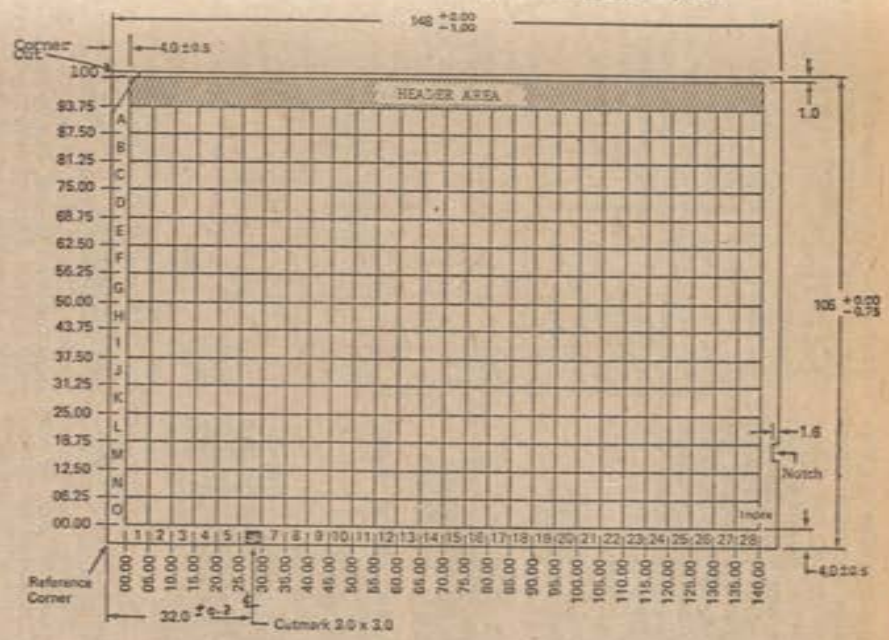
FORMAT 5. Microfiche 270 Frame (15 Rows X 18 Columns) 48:1



1. Effective Reduction 48X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.

The text area shown represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

FORMAT 6. Microfiche 420 Frame (15 Rows X 28 Columns) 48:1



1. Effective Reduction 48X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.

The text area shown represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).

[FR Doc.75-34531 Filed 12-23-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Receipt of Application for a General Permit

Notice is hereby given that the following applications for general permits to allow the taking of marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder have been received: The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 3, "Encircling Gear, Seining other than Yellowfin Tuna."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 4, "Stationary Gear."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 5, "Other Gear."

Applicants are holders of general permits issued in 1975 which expire on December 31, 1975.

Copies of the applications are available for review as follows: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202/634–7283); Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (telephone 907/586–7221). Interested parties may submit written views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: December 17, 1975.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-34718 Filed 12-23-75;8:45 am]

National Marine Fisheries Service

VAN DONWEN'S SEALS

Issuance of a Permit for a Marine Mammal

On September 11, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 42231) that an application had been filed with the National Marine Fisheries Service by Van Donwen's Seals to take one (1) California sea lion (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on December 1, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to Van Donwen's Seals, for the above mentioned taking, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33902.

Dated: December 1, 1975.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.75-34717 Filed 12-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of January 1976:

Clinical Psychopharmacology Research Review Committee—January 12–13; 9:00 a.m., Holiday Inn, Golden Gateway, 1500 Van Ness Avenue, San Francisco, California. Open, January 12, 9:00–10:00 a.m. Closed, Otherwise. Contact Antoinette C. Simms, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3524.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Preclinical Psychopharmacology Research Review Committee—January 12–13; 9:00 a.m. Oregon Room, Holiday Inn, Golden Gateway, 1500 Van Ness Avenue, San Francisco, California. Open, January 12, 9:00–9:30 a.m. Closed, Otherwise. Contact Marion Miller, Parklawn Building, Room 9–97, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 29852, telephone number 301–443–3600.

Dated: December 19, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-34817 Filed 12-23-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of 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, and place	Type of meeting and contact person
1. Panel on Review of Bacterial Vaccines and Toxoids.	Jan. 12 and 13, 9 a.m., Room 121, Building 29, NIH, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Jan. 12, 9 to 10 a.m.; open committee discussion Jan. 12, 10 a.m. to 2 p.m.; closed committee deliberations Jan. 12, 2 to 4 p.m.; Jan. 13, 9 a.m. to 4 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. During this portion any interested person may preset data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of minutes of previous meeting; discussion and prsentation of communications received; discussion of tetanus immune globulin.

Closed committee deliberations. Review of the following specific products: tetanus immune globulin; tetanus antitoxin, diphtheria antitoxin, pertussis immune globulin, H. influenza typing serum. Data submissions possibly including trade secret information will be reviewed. 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) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Reye's Syndrom of the Neurologic Drugs Advisory Committee.	Jan. 19, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3:30 p.m.; closed committee deliberations 3:30 to 4:30 p.m.; Stephen C. Groft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic diseases.

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 the relationship of the administration of anti-emetics and/or aspirin to the clinical outcome of Reye's Syndrome and encephalopathy.

Closed committee deliberations. This portion of the meeting will be closed to protect the free exchange of internal views, formulation of recommendations, and to vote on recommendations to be sent to the FDA's Neurologic Drugs Advisory Committee (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Jan. 29 and 30, 9 a.m., Room 121, Building 29, NIH, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Jan. 29, 9 to 10 a.m.; closed committee deliberations Jan. 29, 10 a.m. to 4 p.m., Jan. 30, 9 a.m. to 4 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 the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of previous minutes and communications received.

Closed committee deliberations. Review of the draf 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)).

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 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 allowed 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 discussions 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 presentation of any other data or information that is not exempt from public disclosure.

Dated: December 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-34818 Filed 12-23-75;8:45 am]

Office of Education

Notice of Public Meeting of the National Advisory Council on Adult Education.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the

next meeting of the National Advisory Council on Adult Education will be held on January 22–23, 1976, from 8:00 a.m. to 8:00 p.m., and on January 24, 1976, from 8:30 a.m. to 2:00 p.m., at The Monteleone, 214 Rue Royale, New Orleans, Louisiana.

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 rules and 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 actiivties and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes: Panel presentations on adult education futures by state directors and state advisory councils. Standing and ad hoc committee reports and recommendations. General Council business for 1976.

Records shall be kept of all Council 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, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on December 18, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75-34668 Filed 12-23-75;8:45 am]

Office of the Secretary

HOSPITAL INSURANCE MONTHLY PREMIUM

Premium Rate for the Uninsured Aged

Pursuant to authority contained in section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i-2(d)(2)), I hereby determine and promulgate that the monthly hospital insurance premium, applicable for the 12-month period commencing July 1, 1976, is $45.

Section 1818 of the Social Security Act, added by section 202 of the Social Security Amendments of 1972 (Pub. L. 92-603), provides for voluntary enrollment in the hospital insurance program (Part A of Medicare) by certain uninsured persons 65 and older who are otherwise ineligible. Section 1818(d)(2) of the Act requires the Secretary to determine and promulgate, during the final quarter of 1975, the dollar amount which will be the monthly Part A premium for voluntary enrollment, for months occurring in the 12-month period beginning July 1, 1976. As required by statute, this amount must be $33 times the ratio of (1) the 1976 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearest multiple of $1, or if midway between multiples of $1, to the next higher multiple of $1.

Under section 1813(b)(2) of the Act, the 1976 inpatient hospital deductible was determined to be $104. The 1973 deductible was actuarially determined to be $76. However, the 1973 deductible was actually promulgated to be only $72 to comply with a ruling of the Cost of Living Council. This has created some ambiguity in the use of the statutory formula for calculating the premium. The premiums for fiscal years 1975 and 1976 were both calculated using the actuarially determined deductible of $76 since this appeared to most closely satisfy the intent of the law. Similarly, the premium for the twelve month period ending June 30, 1977 has been calculated using the $76 deductible for 1973. Thus the monthly hospital insurance premium is $33×(104/76)=$45.16 which is rounded to $45.

The purpose of the premium formula is to adjust the original $33 premium for changes in the cost of providing hospital care. The ratio of the inpatient hospital deductibles does this approximately, since the deductible as calculated under section 1813(b)(2), is based on the average daily cost of providing hospital care under the hospital insurance program. However, the deductible is calculated (by law) from data reflecting program experience in an earlier year. The increase in the 1976 deductible (and thus the increase in the premium now being promulgated) results from the increase in hospital per diem costs in calendar year 1974 over 1973. In addition, the premium calculation fails to adjust for changes in the hospital utilization rate and in changes in non-hospital costs under the program. For these reasons, the premium can only be a rough approximation to actual per capita program costs.

In particular, the $45 premium rate is not expected to be adequate to pay for the estimated cost of enrollees in the year ending June 30, 1977. The table below compares the premium rates charged with the estimated cost per enrollee (assuming that the average cost per premium paying enrollee is the same as the average cost for insured aged enrollees). The table also shows, year-by-year, the difference between premium charged and cost per enrollee and the accumulated value of the excess or deficit. Finally, the table shows the actuarially adjusted rate that would be necessary to pay the current year's cost and the accumulated surplus or deficit from prior years. For the year ending June 30, 1977, it is estimated that the cost per enrollee will be $51.50 and that a deficit of $4.10 per enrollee will be carried forward from previous years. Therefore, a rate of $55.60 would be required to place the premium paying enrollee group on a fully self-supporting basis by June 30, 1977.

Comparison of promulated premium rates with the actuarially adjusted rate

Year ending June 30	Promulgated premium rate	Estimated cost per enrollee in the year	Premium less cost	Accumulated value of col. (4) for prior years [1]	Actuarially adjusted rate, col. (2) minus col. (5)
(1)	(2)	(3)	(4)	(5)	(6)
1974	$33	$30.50	+$2.50		$30.50
1975	36	37.40	−1.40	+$2.10	33.90
1976	40	44.60	−4.60	+.60	44.00
1977	45	51.50	−6.50	−4.10	55.60

[1] For a given year, this value is the sum of the differences shown in col. (4) for all preceding years, accumulated with interest and changes in size of enrollment.

The deficit in the premium rate must be temporarily, at least, made up from other sources of income to the Part A trust fund. If the voluntary enrollment program is to be self-supporting in the long run, some future premium rates will have to be greater than actual per capita costs in order to pay off the deficit projected for June 30, 1977. This could occur, for example, if the rate of increase in hospital costs were to decline sufficiently between the year used in calculating the premium and the year that the premium was to be effective.

Dated: December 18, 1975.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.75-34714 Filed 12-23-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-493-DR; NFD-316]

ALASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on Decem-

ber 18, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from fire and freezing beginning about December 2, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alaska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Alaska to have been adversely affected by this declared major disaster:

The City of: Bethel.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: December 18, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-34713 Filed 12-23-75;8:45 am]

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Income Eligibility Level

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of August 26, 1975 (40 FR 37248). Based on figures effective August 8, 1975, obtained from the Community Services Administration Income Poverty Guidelines dated June 30, 1975, these amounts include State supplements to the Federal Supplemental Security Income (SSI) Program.

These ACTION programs are authorized pursuant to section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402. Pursuant to section 421(4) of Pub. L. 93-113, 87 Stat. 414, the income eligibility levels are determined by the currently applicable guideline published by the Community Services Administration, pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971 (a)), and increased by the amounts individual States supplement the Federal Supplemental Security Income (SSI) program. The State supplemental payments reflect the higher cost of living in the geographic area to be served by the project. Section 625 permits the CSA guideline to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Pursuant to section 420 of Pub. L. 93-113, this policy will become effective January 23, 1976.

ACTION schedule of income eligibility levels for foster grandparents or senior companions

State	Individuals	Family of 2 [1]	Family of 3 [1]
Alabama	$3,640	$3,585	$4,420
Alaska	5,015	6,545	7,585
Arizona	2,640	3,475	4,310
Arkansas	2,640	3,475	4,310
California	3,850	6,485	7,320
Colorado	3,060	5,070	5,905
Connecticut	3,745	4,280	5,115
Delaware	2,640	3,475	4,310
District of Columbia	2,640	3,475	4,310
Florida	2,640	3,475	4,310
Georgia	2,640	3,475	4,310
Hawaii	3,315	4,420	5,360
Idaho	3,305	4,065	4,900
Illinois	2,940	3,475	4,310
Indiana	2,640	3,475	4,310
Iowa	2,640	3,475	4,310
Kansas	2,640	3,475	4,310
Kentucky	2,640	3,475	4,310
Louisiana	2,640	3,475	4,310
Maine	2,760	3,655	4,490
Maryland	2,640	3,475	4,310
Massachusetts	4,065	5,700	6,530
Michigan	2,880	3,840	4,700
Minnesota	3,010	3,930	4,765
Mississippi	2,640	3,475	4,310
Missouri	2,640	3,475	4,310
Montana	2,640	3,475	4,310
Nebraska	3,445	4,280	5,115
Nevada	3,300	4,745	5,580
New Hampshire	2,880	3,600	4,420
New Jersey	3,020	3,780	4,600
New Mexico	2,640	3,475	4,310
New York	3,370	4,385	5,220
North Carolina	2,640	3,475	4,310
North Dakota	2,640	3,475	4,310
Ohio	2,640	3,475	4,310
Oklahoma	2,965	4,125	4,960
Oregon	2,865	3,720	4,540
Pennsylvania	2,880	3,835	4,670
Rhode Island	3,035	4,235	5,045
South Carolina	2,640	3,475	4,310
South Dakota	2,640	3,475	4,310
Tennessee	2,640	3,475	4,310
Texas	2,640	3,475	4,310
Utah	2,640	3,475	4,310
Vermont:			
Area 1	2,990	3,965	4,800
Area 2	2,990	4,205	5,040
Virginia	2,640	3,475	4,310
Washington:			
Area 1	3,070	3,955	4,790
Area 2	2,800	3,605	4,440
West Virginia	2,640	3,475	4,310
Wisconsin	3,480	4,735	5,570
Wyoming	2,640	3,475	4,310
Puerto Rico	2,640	3,475	4,310
Virgin Islands	2,640	3,475	4,310

[1] "Family" refers to a group of 2 or more persons related by blood, marriage, or adoption and residing together.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75-34652 Filed 12-23-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

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 American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial will be held on January 8 & 9, 1976, in Room 2010 of the New Executive Office Building in Washington, D.C. The meeting will begin at 8:30 a.m.

The tentative agenda includes the discussion of a pilot Forum meeting, a proposed media series highlighting the ethnic and racial cultural diversity in this country, the July 4, 1976 celebration and the Ethnic Racial filmagraph.

The meeting will be open to the public on a space available meeting. Further information can be obtained from Verna E. Clayborne, Director of Ethnic Racial Programs, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276, Telephone (202) 634-1767.

JOHN W. WARNER,
Administrator.

[FR Doc.75-34747 Filed 12-23-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-12-103, Docket Nos. 28570, 22859]

THE FLYING TIGER LINE INC.

Domestic Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revision [1] issued November 21 and marked to become effective December 21, 1975, The Flying Tiger Line Inc. (Tiger) proposes to cancel existing rates on vegetables [2] in the Los Angeles to New York market at the 5,000 and 10,000 pound weightbreaks and to introduce a sharply reduced rate for bulk movements of 3,000 pounds and over. The proposed rate of $8.70 per hundredweight is 39 percent below the present 10,000 pound rate of $14.35, and 45 percent below the current 5,000 pound rate of $15.80. Shipments are accepted on a space available basis and are to be exempt from Rule 20.[3]

A complaint was filed by Trans World Airlines, Inc. (TWA) requesting suspension and investigation of the proposal. The complaint alleges, *inter alia*, that (1) the proposed rate does not cover noncapacity cost; (2) Tiger incorrectly used 1972 cost data in justifying its rate; (3) the proposal results in undue preference to a single shipper and unjustly discriminates against all other shippers; and (4) exemption of the rate from Rule 20 will permit container loads of vegetables to be shipped at less than the minimum container charge.

[1] Revision to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Item No. 0139905 (Vegetables, N.E.S., processed through sorting, cutting and/or trimming, packed in bags or cartons).

[3] Rule 20 states that "Except as otherwise provided, rates and charges named in the tariff are subject to Official Air Freight Unit Load Device Tariff No. ULD-1, C.A.B. No. 256, Official Air Freight Container Tariff No. CT-7 C.T.C.(A) No. 116, C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent for commodities in containers and unit load devices as specified therein." This means this traffic will be accepted at bulk rates even if tendered in containers.

In support of its proposal, and in answer to the complaint, Tiger contends that the proposed rate (1) covers noncapacity cost and contributes to capacity cost when calculated in accordance with the formula used in the *Domestic Air Freight Rate Investigation* (DAFRI); (2) covers its own noncapacity cost for 1975; (3) is designed to match TWA's LD–3 container rate on vegetables on a per hundredweight basis [4]; (4) will retain for Tiger an account which shipped 306,300 pounds of traffic in the first nine months of 1975; and (5) should develop $35,532 in revenue based on the traffic volume experienced in the first nine months of 1975.

The proposal comes within the scope of the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, and its lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in DAFRI.

The Board has reviewed the proposed rate in the light of industry-average costs of carrying air freight (including return on investment),[5] finds that it does not cover either terminal or noncapacity cost and, therefore, believes it should be suspended.

Tiger's cost justification was originally grounded on the noncapacity cost figures used by the Administrative Law Judge in the Initial Decision in DAFRI. These figures reflect costs prevailing for 1972, and must be updated to remain meaningful. In answer to the complaint, Tiger further contends that the rate covers its own noncapacity cost for 1975. We have no basis on which to judge the validity of this claim, and reiterate our intention to assess the reasonableness of the proposed rate changes by comparison with industry-average cost. Comparison reveals the rate to be noncompensatory when applied to bulk traffic.

Suspension of the proposed rate does not preclude attempts to match the TWA container rate with a Tiger container rate. We understand Tiger's desire to retain large shippers. A reduced bulk rate, however, may not be considered a matching rate because there are inherent cost differences between bulk and container service that Tiger does not fully recognize.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204a, 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the new rate, subject to a minimum weight of 3,000 pounds, and the cancellation of the rates, subject to minimum weights of 5,000 and 10,000 pounds, on SCR 0139905 from Los Angeles to New York/Newark on 40th Revised Page 626–A of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, is suspended and its use deferred to and including March 19, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Except to the extent granted herein, the complaint of Trans World Airlines, Inc., in Docket 28570 is dismissed; and

3. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34711 Filed 12-23-75;8:45 am]

[Docket No. 28666; Order 75-12-104]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revisions [1] posted November 21, 1975, and scheduled to become effective January 5, 1976, United Air Lines, Inc. (United) proposes, *inter alia*, to increase the minimum charge for C.O.D. service from $1.00 to $4.00 per shipment. The basic charge of 50¢ per $100 collected remains unchanged.

In support of the proposal, United asserts that C.O.D. minimum charges have not been increased since 1951; that labor costs have increased 344 percent since that time; and that the proposed increase, amounting to 300 percent, merely recovers increased labor costs.

Upon consideration of all relevant factors, the Board concludes that the proposal 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.

While United has submitted data showing the increase in average *monthly* wage rates of its air freight agents since 1951, the carrier has not related the actual cost of C.O.D. service to the proposed charge. United has not submitted any data on man-minutes or other cost-causative factors indicating that the proposed increase is warranted. Therefore, consistent with its findings in previous orders,[2] the Board will suspend United's proposal pending investigation.

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 is instituted to determine whether the provision reading "(Not applicable to UA)" in Rule No. 66(G)(1)(a) and the provisions in Rule No. 66(G)(1)(b) on 26th Revised Page 36–A of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions reading "(Not applicable to UA)" in Rule 66(G)(1)(a) and the provisions in Rule No. 66(G)(1)(b) on 26th Revised Page 36–A of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, are suspended and their use deferred to and including April 3, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 28666, 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 United Air Lines, Inc., which is hereby made a party to Docket 28666.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34712 Filed 12-23-75;8:45 am]

[Order 75-12-98; Docket Nos. 22859, 26838]

WESTERN AIR LINES, INC.

Domestic Air Freight and Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revisions [1] issued November 19, and scheduled to become effective December 23, 1975, Western Air Lines, Inc. (Western) proposes, *inter alia*, to increase various bulk general and specific commodity rates and charges in selected markets by as much as 10 percent. Corresponding priority reserved general commodity rates are to be increased by an equal percentage.

In support of the proposal, Western asserts that, due to competition, the markets involved were exempted from Western's July 1, 1975, increase, and thus have

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[4] The LD–3 container flat rate of $232 is divided by 2800 pounds to produce an effective rate per hundredweight of $8.29. A loading charge estimated by Tiger to be $6.00 is added to TWA's Unloading Service Charge of $6.00 for the LD–3, resulting in an additional charge of $0.43 per hundredweight.

[5] For present purposes the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in DAFRI. Further, these calendar year 1974 costs have been updated to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

[2] See, *e.g.*, Orders 75–11–43 and 72–4–53.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

already been cost-justified, and that the proposed rates do not exceed competitive rates filed by other carriers. The carrier anticipates a net revenue gain of $262,000 annually.

The proposed rates and charges come within the scope of either the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, or the *Priority Reserved Air Freight Rates Investigation* (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposed increases or to permit them to become effective pending investigation.

The Board has reviewed the proposed increases in the light of recent industry-average costs (including return on investment) of carrying air freight,[2] and finds several 100-pound general commodity rates between Hawaii and the Mainland that exceed costs, as well as a limited number of specific commodity rates that exceed the general commodity rates.

Upon consideration of all relevant factors, the Board finds that the above rates should be suspended pending final decision in DAFRI. The Board further concludes that the proposed 100-pound priority rates in the same markets should be suspended, pending investigation, inasmuch as they would exceed 130 percent of the regular general commodity rates.

The Board will also suspend a number of increased priority rates that exceed 130 percent of the otherwise applicable regular service specific commodity rates or charges. Although the Board permitted Western (as well as Continental Air Lines, Inc.) to establish such priority general commodity rates including minimum charges reflecting the 100-pound weightbreak priority rate, the Board subsequently found that a 30 percent premium over the applicable rates (whether general or specific commodity rates) was the highest that should be permitted, pending decision in PRAFRI.[3]

[2] For present purposes the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in the *Domestic Air Freight Rate Investigation*, Docket 22859. Further, these calendar year 1974 costs have been updated to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[3] Due to the technicalities of tariff publication, in the cases of increases in priority minimum charges resulting in premiums in excess of 30 percent over regular minimum charges, the Board will also suspend the proposed 100-pound weightbreak rate. The Board believes that Western should publish an under 100-pound rate applicable to its priority freight service to help eliminate inequities in the current minimum-charge structure.

Further, the Board believes that the existing premium over general commodity rates for priority service is too great when applied to traffic that would otherwise move on discounted specific commodity rates, inasmuch as such premium will be significantly greater than 30 percent. In short, where Western maintains a specific commodity rate on a particular commodity, when moving in priority service the commodity takes 130 percent of the general commodity rate rather than the specific commodity rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. Pending hearing and decision by the Board, the increased rates and charges described in Appendix A hereto are suspended and their use deferred to and including March 21, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

TARIFF C.A.B. No. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. The increased general commodity (GEN) rates *from* the point in Column A *to* the point in Column B subject to a minimum weight of 100 pounds on the pages listed in Paragraph 5.

Col. A	*Col. B*
Denver	Honolulu/Hilo.
Honolulu/Hilo	Denver, Los Angeles, Phoenix, Portland, Ore., San Diego, San Francisco / Oakland / San Jose.
Los Angeles, Phoenix, Portland, Ore., San Diego, San Francisco/ Oakland / San Jose Ontario/ San Bernardino.	Honolulu/Hilo.

2. The increased priority reserved (PRF) general commodity rates *from* the point in Column A *to* the point in Column B subject to the minimum weight(s) in pounds shown in Column C on the pages listed in Paragraph 5.

Col. A	Col. B	Col. C
Denver	Honolulu/Hilo	100, 220, 1,000, 2,000, 3,000, 5,000.
Honolulu/Hilo	Denver	100, 220, 1,000, 2,000, 3,000.
Denver	Los Angeles	200, 1,000, 2,000, 3,000.
Los Angeles	Denver	100, 220, 1,000, 2,000.
Ontario/San Bernardino	do	220, 1,000, 2,000.
Honolulu/Hilo	Los Angeles	100, 220.
Los Angeles	Honolulu/Hilo	100, 220, 440.
Ontario/San Bernardino	do	100.
Honolulu/Hilo	Phoenix	100, 220, 440, 1,000, 2,000, 3,000, 10,000.
Phoenix	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	Portland, Oreg	100, 220, 440.
Portland, Oreg	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	San Diego	100, 220, 440, 1,000, 2,000.
San Diego	Honolulu/Hilo	100, 220, 440, 1,000, 2,000, 3,000.
Honolulu/Hilo	San Francisco/Oakland/San Jose	100, 220.
San Francisco/Oakland/San Jose	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	Seattle	100, 440.
Seattle	Honolulu/Hilo	100, 440.
Los Angeles	Phoenix	220.
Phoenix	Los Angeles	220.

3. The increased priority reserved (PRF) general commodity minimum charges *from* the point in Column A *to* the point in Column B on the pages listed in Paragraph 5.

Col. A	*Col. B*
Denver	Honolulu/Hilo.
Honolulu/Hilo	Denver.
Denver	Los Angeles.
Honolulu/Hilo	Do.
Phoenix	Honolulu/Hilo.

4. The increased specific commodity (SCR) rates *from* the point in Column A *to* the point in Column B stated to apply on item numbers shown in Column C subject to minimum weight(s) shown in Column D on the pages listed in Paragraph 5.

Col. A	Col. B	Col. C	Col. D
Los Angeles	Denver	9899	3,000
Ontario/San Bernardino	do	9899	3,000
Honolulu/Hilo	Los Angeles	0072	440
Do	San Diego	0023, 0030	1,000
Los Angeles	Phoenix	0300	220, 2,000, 3,000, 5,000

5. Pages which contain rates suspended in Paragraphs 1, 2, 3 and 4 above:

24th Revised Page 1394
30th Revised Page 1395
28th Revised Page 1403
28th Revised Page 1404
23rd Revised Page 1405
23rd Revised Page 1406
25th Revised Page 1412

[FR Doc.75-34710 Filed 12-23-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

Import Control Levels

DECEMBER 19, 1975.

On May 21, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Republic of China concluded a comprehensive bila-

teral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of China to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are those establishing an aggregate limit for Categories 1–64, 101–132, and 200–243; group limits within the aggregate for Categories 1–38, 64, 200–213 and 241–243; Categories 39–63 and 214–240; and Categories 101–132; and within the applicable aggregate and group limits, specific limits for Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 be limited to the designated levels. The levels of restraint set forth below for man-made fiber textile products in Categories 219, 221, and 224 have been reduced by the amount of carryforward applied to these categories in the previous agreement year. A further reduction has been made in the level for Category 219 to account for previous overshipments, as provided in paragraph 10 of the bilateral agreement.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 19, 1975.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975 between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and for the twelve-month period extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the indicated categories in excess of the following levels of restraint:

Category:		*12-mo level of restraint*
9/10	square yards	36,532,153
18/19	do	1,976,466
22/23	do	3,920,061
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605 and 382.0610)	square yards equivalent	871,822
45/46/47	do.[1]	3,191,486
48	dozen	23,375
49	do	37,188
50/51	do.[2]	670,415
60	do	42,500
213	pounds	8,129,147
219*	do	8,129,147
221*	dozen	4,925,555
222	do	3,576,597
224*	pounds[3]	9,126,603
234/235	square yards equivalent	65,943,646

* These levels have been reduced to account for carryforward used in the previous agreement year.

[1] (Of which not more than 33,523 doz shall be in Category 45.)

[2] (Of which not more than 321,506 doz shall be in Category 50 and not more than 516,514 doz shall be in Category 51.)

[3] (Of which not more than 197,500 lb shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 637,500 lb shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103.)

In carrying out this directive, entries of cotton textile products in Categories 9/10, 18/19, 22/23, 43 and part of 62, 45/46/47, 48, 49, 50–51 and 60, produced or manufactured in the Republic of China and exported to the United States prior to January 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1975 through December 31, 1975. Entries of man-made fiber textile products in Categories 213, 219, 221, 222, 224, and 234/235, produced or manufactured in the Republic of China and exported to the United States prior to January 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1974 through December 31, 1975. In the event the levels of restraint established for these periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 21, 1975 between the Governments of the United States and the Republic of China which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-34722 Filed 12-23-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 75-20]

O. N. JONAS COMPANY, INC., AND GEORGE A. TITLOW

Flammable Fabrics Act Enforcement Proceeding

On November 18, 1975, by direction of the Commission, the Acting Secretary issued a Notice of Enforcement prepared by the Bureau of Compliance and directed to O. N. Jonas Company, Inc., a corporation, and George A. Titlow, individually, and as an officer of the company (Respondents) declaring in substance that the Commission's staff believes that the Respondents have violated the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the rules and regulations promulgated under the Flammable Fabrics Act (16 CFR § 302), and the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70, 35 FR 6211, April 16, 1970). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing Acts to the Commission by Section 30 of the Consumer Product Safety Act (15 U.S.C. 2051, 2079).

The Staff states its charges as follows:

1. Respondent O. N. Jonas Company, Inc., is a corporation organized and doing business under the laws of the State of Georgia. Respondent George A. Titlow is an officer of the corporation. He formulates, directs, and controls the

acts, practices and policies of the corporation.

Respondents are engaged in the manufacture and sale of carpets and rugs with their office and principal place of business located at Fleming Street, Dalton, Georgia 30720.

2. Respondents are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product," are defined in the Flammable Fabrics Act (FFA). These products fail to conform to the requirements of an applicable standard as required by Section 3(a) of the FFA (15 U.S.C. 1192).

Among such products mentioned above was carpeting designated as style "Shag West" subject to the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70), but which were not manufactured in conformance with all of the requirements of that standard.

3. Respondents furnished false guaranties in respect to certain carpeting designated as style "Shag West" with reason to believe that such carpeting might be introduced, sold or transported in commerce, in violation of Section 8(b) of the FFA.

4. Attached hereto are copies of the principal items of written evidence, marked Commission Exhibits 1–11 which the staff considers to constitute a prima facie case. Briefly described, the exhibits are test reports and inspection reports relating to samples of carpet manufactured by respondents which failed the aforementioned flammability tests under the Carpet Standard.

5. The aforesaid acts and practices of respondents were and are in violation of the FFA, as amended, and the rules and regulations promulgated thereunder; and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

A proposed agreement containing a Consent Order to Cease and Desist the alleged violations was also furnished to Respondents. The identification of the exhibits which Enforcement Counsel considers as constituting a prima facie case will not preclude the introduction of further evidence relevant and material to the subject matter.

Counsel for Respondents has filed an answer constituting, in effect, a general denial of the substantive allegations in the Notice of Enforcement, and in addition, has included several affirmative defenses alleging as follows:

1. That the procedures utilized by the Commission in concluding that carpet samples failed to meet the requirements of the FFA as not being in accord with permissable procedures promulgated by the Federal Trade Commission or the Commission, were improper.

2. That said procedures are neither accurate nor reliable and that the failure of isolated carpet samples to meet the acceptance criteria of the Flammable Fabrics Standard does not constitute violation of the FFA.

3. That the Commission improperly rejected the results of intervening flammability tests which show compliance with said Standard.

4. That the Commission has misapplied the provisions of Section 3(a) of the FFA and the Standards thereunder.

5. That the samples of the carpet tested were not "in commerce" as that term is used in the FFA.

6. That the Respondents have already recalled from commerce unsold rolls of the carpet in question and, therefore, no additional benefits will inure to the public as a result of this proceeding.

7. That this proceeding is unnecessary and sohuld have been terminated by execution of voluntary assurances under Federal Trade Commission rules.

8. That Respondent corporation has previously executed a consent order agreement conforming with the Commission's decision in *Congoleum Industries, Inc.* (CPSC Docket No. 75–3), a case involving essentially identical facts and law, with the result that the imposition of a markedly different form of order, would violate Respondents' constitutional rights.

9. That no substantial hazard exists, and that the remedies contained in the proposed Order are unnecessary to adequately protect the public.

10. That the extent of Respondents' failure to comply with the FFA or the Standard, if any, was de minimus.

11. That the Respondent company exercised good faith in the production of the carpet in question by utilizing the latest flame retardant materials and by conducting extensive testing to insure continued compliance with the law.

12. That the proposed Order seeks to impose remedies based upon Section 15 (c) and (d) of the Consumer Product Safety Act, when in fact, Section 30(d) of said Act requires Respondents' conduct to be judged pursuant to the Federal Trade Commission Act and the FFA.

13. That the proposed Order is too broad in that it extends to all products subject to the FFA, although the issue herein concerns only carpet rolls.

14. That George A. Titlow is improperly joined as an individual although he engaged in no acts whatsoever that gave rise to this complaint.

15. That the proposed Order is ambiguous and extends the jurisdiction of the Commission beyond its statutory authority.

16. That the Notice of Enforcement is ambiguous in that it applies to all "Shag West" carpet production while the proposed Order extends to "Shag West" (foam backed) only.

17. That the Commission's regulations pertaining to guaranties and false guaranties are ambiguous, invalid, and unenforceable.

18. That the proposed Order is invalid insofar as it attempts to preclude the export of noncomplying product in contravention of Respondents' rights under 15 U.S.C. Section 1202(a).

19. That the proposed Order is invalid as to Respondent George A. Titlow, in that it would expose him to public ignominy and could seriously interfere with his ability to earn a livelihood—all in excess of the Commission's authority.

On the basis of the foregoing, Respondents' request dismissal of the Notice of Enforcement.

Issue having been joined, it is deemed necessary in order to organize the preparation for, and conduct of, the hearing, that a prehearing conference be held at 9:30 a.m., e.s.t., Tuesday, January 6, 1976, in the Commission's 7th Floor Conference Room, 1750 K St. NW., Washington, D.C. 20207.

Counsel are requested to exchange and file with this office memoranda setting forth (1) a definition of the issues to be heard, (2) requests for discovery, if any, (3) disclosure of the number of witnesses and the approximate length of time each presentation will entail, and (4) a proposal for the time, date and place of the hearing.

Dated: December 16, 1975.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.75-34646 Filed 12-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454-2]

AIR POLLUTION PREVENTION AND CONTROL

Hazardous Air Pollutants, Addition to List

Section 112 of the Clean Air Act (42 U.S.C. 1857c-7) directs the Administrator of the Environmental Protection Agency to publish and from time to time revise a list of air pollutants, which in his judgment may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable. Within 180 days after the inclusion of any air pollutant in the list, the Administrator is required to publish proposed regulations establishing emission standards for such pollutants together with a notice of a public hearing to be held within 30 days after publication of the notice.

The Administrator, after evaluating available information, has concluded that vinyl chloride is an air pollutant which meets the above requirements. Evaluation of other air pollutants is being conducted and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 112(b)(1)(A) of the Act and after consultation with appropriate advisory committees, independent experts, and Federal departments and

agencies in accordance with section 117 (f) of the Act, effective on December 24, 1975 amends the list of hazardous air pollutants to read as follows:

LIST OF HAZARDOUS AIR POLLUTANTS

* * * * *

4. Vinyl chloride

Dated: December 16, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-34512 Filed 12-23-75;8:45 am]

[PPTS; FRL 472-6]

FOOD ADDITIVE PETITION

Notice of Filing

Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120, has submitted a food additive petition (FAP 6H5111) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 123 and 561 by establishing food and feed additive regulations permitting the use of the insecticide which is a mixture of *O*-ethyl *O* - [4 - (methylthio) phenyl] *S* - propyl phosphorodithioate and xylene in a proposed experimental program involving application of the insecticide to growing cotton with a tolerance of 1.0 part per million for residues of the insecticide in cottonseed hulls and cottonseed oil.

Notice of this submission is given pursuant to Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5111." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the Office of the FEDERAL REGISTER from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: December 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-34740 Filed 12-23-75;8:45 am]

[OPP-180057; FRL 473-1]

VERMONT DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Meadow Vole in Vermont

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Vermont Department of Agriculture (hereafter referred to as the "Applicant") to use a diphacinone formulation to control populations of the meadow vole, which are threatening commercial apple orchards located in three counties in Vermont. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the meadow vole (*Microtus pennsylvanicus*) is a perennial problem in Vermont orchards, and is the principal rodent responsible for girdling of apple trees in the State. Populations of the meadow vole commonly cause economic damage to commercial apple orchards by girdling the tree trunks below snow cover during the winter months over much of the Northeast. Therefore, satisfactory control of this rodent must be accomplished before snow falls; the desired application time would be after the apple harvest is complete and before the first snows, which generally occur in late November.

Zinc phosphide and Endrin in formulations are registered for controlling meadow voles. However, the Applicant claimed that zinc phosphide is ineffective because it is very unstable in the presence of moisture and, unless packaged under ideal conditions, it deteriorates very rapidly. The use of Endrin poses definite risks to non-target species, especially birds. The Applicant proposed to use a 0.005 percent diphacinone pelletized bait formulation at the rate of 10 pounds of product (0.05 pounds A.I.) per acre.

The diphacinone formulation will be applied aerially by fixed-wing aircraft. Personnel involved in the application are experienced in all aspects of apple pest control, and include personnel from the University of Vermont Agricultural Experiment Station, University of Vermont Extension Service, Velsicol Chemical Corporation, and the Vermont Department of Agriculture. The economic benefits anticipated from the program will be adequate protection of certain orchards from meadow voles; some of these orchards experienced severe damage during the past several years. The controls proposed appear to be adequate to prevent misuse of the pesticide and prevent any serious short-term or long-term adverse environmental effects. The Fish and Wildlife Service of the U.S. Department of the Interior has reported that no endangered or threatened species occur within the proposed treatment area.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of meadow voles has occurred; (b) there is no pesticide presently registered likely to be efficacious and environmentally acceptable; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the meadow voles are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following additional provisions:

1. The dosage rate shall not exceed ten (10) pounds of the pelletized diphacinone bait (Ramik Brown, EPA Reg. No. 876-184AA) per acre (0.05 pounds A.I.);

2. The treated acreage shall not exceed 2,000 acres of apple orchards located in Addison, Bennington, and Windham counties;

3. The total actual diphacinone used shall not exceed one hundred (100) pounds;

4. Duration of the application will be from the end of apple harvest until the first snow in November;

5. Efficacy data will be obtained pursuant to registration of this use pattern of Ramik Brown under section 3 of the amended FIFRA;

6. The Applicant will establish liaison with the Vermont Department of Fish and Game pursuant to monitoring effects of the rodenticide on non-target species, especially secondary poisoning of scavenging mammals and raptors; and

7. The Applicant is reminded of the reporting requirement pursuant to § 166.5 of the amended FIFRA.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: December 19, 1975.

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

[FR Doc.75-34739 Filed 12-23-75;8:45 am]

[FRL 472-5]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE OF THE SCIENCE ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on January 22, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to consult the committee on arsenic as an air pollutant; (2) to hear and discuss progress reports from committee review

groups which are reviewing the criteria documents for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen oxides; (3) to brief the committee on and to discuss developments regarding a reference method for determination of nitrogen oxides; and (4) to brief the committee on and to discuss developments regarding calibration of oxidant measurement instruments. The Agenda will also include (5) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

DECEMBER 18, 1975.

[FR Doc.75-34741 Filed 12-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 783]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted For Filing

DECEMBER 8, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934,) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20875-CD-P-76, Radiofone of Southeast Texas, Inc., (New), C.P. for a new 1-way station to operate on 43.58 MHz located at Church House Rd., 6 mi. S. of Vidor, Texas.

20876-CD-P-76, General Communications Service, Inc., (KSV965), C.P. to relocate facilities and change antenna system operating on 35.22 MHz at Loc. #4: Dixie & Conley Roads, Mountain View, Georgia.

20877-CD-AL-(9)-76, Curtin Call Communications, Inc. Consent to Assignment of Radio Station License from Curtin Call Communications, Inc., Assignor, to William J. Curtin, Sr., Assignee. Stations: KLF478, KQZ785, KSD318, Madison, Wisconsin; KRS630, La Crosse, Wisconsin; KSV988, KTS232, Eau Claire, Wisconsin; KSV989, KUC868, Fond du Lac, Wisconsin, KSV995, Janesville, Wisconsin.

20878-CD-AL-(9)-76, William J. Curtin, Sr. Consent to Assignment of Radio Station License from William J. Curtin, Sr., assignor, to William J. Curton, III d.b.a. Curtin Call Communications, Assignee. Stations: KLF478, KQZ785, KSD318, Madison Wisconsin; KRS630, La Crosse, Wisconsin; KSV988, KTS232, Eau Claire, Wisconsin; KSV989, KUC868, Fond du Lac, Wisconsin; KSV995, Janesville, Wisconsin.

20879-CD-P-76, Omni Communications, Inc. (KSV954) C.P. to relocate facilities operating on 158.70 MHz to be located at Prudential Building, Prudential Center, Boston, Massachusetts.

20880-CD-P-(2)-76, Mt. Shasta Radiotelephone, Inc. (KUS379) C.P. for additional test facilities to operate on 158.52 & 159.05 MHz located at KC Road, 0.25 mi. East of Mt. Shasta Blvd., Mt. Shasta, California.

20881-CD-P-76, Portable Communications, Inc. (KEK289) C.P. for additional facilities to operate on 454.325 MHz at Loc. #3: #1 Marine Midland Center, Buffalo, New York.

20882-CD-P-(2)-76, James, Floyd, Lee, d.b.a. Mobile Dispatch Service (KIF658) C.P. for additional facilities to operate on 454.100 and 454.175 MHz located at 942 Shelton Beach Road Ext., Mobile, Alabama.

20883-CD-P-76, Martin E. Willson d.b.a. Victor Valley Radio-Telephone Company (KLF557) C.P. for additional facilities to operate on 152.06 MHz at a new Loc. #2: 5 miles north of Victorville, California.

20884-CD-P-76, Contact, Inc. (KGA807) C.P. for additional facilities to operate on 35.22 MHz at Loc. #2: 4338 Park Heights Avenue, Baltimore, Maryland.

20885-CD-P-(2)-76. The Chesapeake and Potomac Telephone Company of Maryland (KGA587) C.P. to change antenna system and replace transmitter operating on 152.51 MHz, Base and 152.51, 152.63, 152.75 & 152.81 MHz, Standby located at 3913 Cold Spring Lane, Baltimore, Maryland.

20886-CD-P-(2)-76, Tel-Car, Inc., (KLF594), C.P. to change antenna system operating on 454.300 MHz at Loc. #3: 0.5 mi. E. of Meridian, Idaho and for additional facilities to operate on 158.70 MHz at Loc. #4: Bennett Mountain 15¾ miles N.E. of Mountain Home, Idaho.

20887-CD-P-76, Robert H Larson d.b.a. Oregon Mobile Radio, (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at 1200 Mira Mar, Medford, Oregon.

20888-CD-P-76, Schuylkill Mobile Fone, Inc., (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at Sharp Mountain, N. Manheim TWP, Pottsville, Pennsylvania.

20889-CD-P-76, Protectowire Pacific Company, Inc., (New), C.P. for a new 1-way station to operate on 43.22 MHz to be located at Rainer Hill, 4.4 miles South of Longview, Washington.

20890-CD-P-76, Vernon H. Johnson, (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at 800 Airport Road, Milan, New Mexico.

20891-CD-P-76, Laile Hampton d.b.a. Radio Call Company, (KFJ903), C.P. to change frequency from 35.58 MHz to 152.24 MHz and for additional control facilities operating on 454.300 MHz located at Tannery Knob, Johnson City, Tennessee.

20892-CD-P-76, Tel-Page Corporation, (KUO590), C.P. for additional facilities to operate on 454.100 MHz at a new Loc. #2: 222 Midtown Towers, Rochester, New York.

20893-CD-P-76, The Pacific Telephone and Telegraph Company (KMA829), C.P. to change antenna system operating on 35.58 MHz located at 5252 Balboa Avenue, San Diego, California.

20894-CD-P-76, Western Communications Service, (KKG416), C.P. for additional facilities to operate on 152.12 MHz at Loc. #1: 320 West 26th Street, San Angelo, Texas.

20895-CD-P-76, DPRS, Inc., t.a. Zipcall, (KCB890), C.P. for additional facilities to operate on 35.22 MHz located at John Hancock Tower Building, Boston, Massachusetts.

20896-CD-P-76, Mobile Phone of Texas, Inc., (KLF477), C.P. for additional facilities to operate on 152.18 MHz located 1.7 miles North of Young County Court House, Graham, Texas.

20897-CD-P-76, Laile Hampton d.b.a. Radio Call Company, (KUO568), C.P. to change frequency from 158.70 MHz to 152.24 MHz located at 124 Dahlia Street, Kingsport, Tennessee.

RURAL RADIO

60227-CR-P-76, Umpqua Telephone Co., Inc., (New), C.P. for a new Rural Subscriber-Fixed station to operate on 158.07 MHz located in Rural area 7 miles SSW of Elkton, Oregon.

60228-CR-P-76, Umpqua Telephone Co., Inc., (New), C.P. for a new Central Office station to operate on 152.81 MHz located 2.5 miles SSE of Elkton, Oregon.

CORRECTION

60226-CR-TC-76, Mobilfone of Northeastern Pennsylvania, Inc. Consent to transfer of control from Margaret Swartz Ehrhardt, Executrix of the Estate of Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Transferee, Station: KGN24—Temp-Fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

1301-CF-P-76, Indiana Bell Telephone Company, Inc., (KSL95), 119 East 7th Street, Bloomington, Indiana. Lat. 39°10'07", N., Long. 86°31'58" W. C.P. to add frequencies 10635V 11155V MHz toward New Unionville, Indiana on azimuth 55.5°.

1302-CF-P-76, Same, (KTG61), 1 mile SW of New Unionville, Indiana. Lat. 39°12'04" N., Long. 86°28'19" W. C.P. to add frequencies 11285V 11605V MHz toward Bloomington, Indiana on azimuth 235.6°, and 4150H MHz toward a new point of communication at Clear Springs, Indiana on azimuth 144.4°.

1303-CF-P-76, Same, (New), 0.5 mile WNW of Clear Springs, Indiana. Lat. 38°55'40" N., Long. 86°13'18" W. C.P. for a new station on frequencies 4110H MHz toward New Unionville, Indiana on azimuth 324.6°, and 4110H MHz toward a new station at Salem, Indiana on azimuth 170.8°.

1304-CF-P-76 Same (New) 2.2 miles West of Salem, Indiana. Lat. 38°36'29' N., Long. 86° 09'21" W. C.P. for a new station on frequencies 4150H MHz toward a new station at Clear Springs, Indiana on azimuth 350.9°, and 4150H toward a new station at Floyds Knobs, Indiana on azimuth 316.2°.

1305-CF-P-76, Same, (New) 2.8 miles, NE of Floyds Knobs, Indiana. Lat. 38°21'16" N., Long 85°50'49" W. C.P. for a new station on frequencies 4110H MHz toward a new station at Salem, Indiana on azimuth 316.3°, and 10835V 11155V MHz toward a new station at New Albany, Indiana on azimuth 161.2°.

1306-CF-P-76 Same (New) 510 East Spring Street, New Albany, Indiana. Lat. 38°17'15" N. -Long. 85°49'05" W. C.P. for a new station on frequencies 11285V 11605V MHz toward a new station at Floyds Knobs, Indiana on azimuth 341.2°.

1298-CF-P-76, Tower Communication Systems, Corporation, (WBA744), 1.5 miles NE of Lancaster, Ohio. Lat. 39°43'53" N., Long. 82°35'42" W. C.P. to add 11095.OH MHz toward Newark, Ohio.

1299-CF-P-76, Pacific Telatronics, Inc., (KTG39), Horse Mountain, 7.0 miles SW of Willow Creek, California. Lat. 40°52'20" N., Long. 123°44'08" W. C.P. to add 6056.4H MHz and 6212.OH MHz toward Crescent City, California; and change frequency to 6212.OV MHz toward Eureka, California.

1311-CF-P-76, Eastern Microwave, Inc., (WDD72), Blue Mountain, 2.2 miles SSE of Summit Sta., Pennsylvania. Lat. 40°31'55" N., Long. 76°11'49" W. C.P. to add 6152.8H MHz, via power split, toward Hershey N.O.C., Pennsylvania; and add 6152.8V MHz, via power split, toward Hershey-2, Pennsylvania.

1212-CF-P-76, Same. (WDD76) Hershey N.O.C., Pennsylvania. Lat. 40°17'07" N., Long. 76°39'15" W. C.P. to add 6360.3H MHz toward Little Mountain, Pennsylvania.

1313-CF-P-76, Same. (WDD77) Little Mountain, 0.7 mile NW of Summerdale, Pennsylvania. C.P. to power split frequency 6063.8H MHz toward Carlisle, Columbia & Marietta, Pennsylvania; and power split 6063.8V MHz toward Mechanicsburg and Red Lion, Pennsylvania.

[FR Doc.75-34666 Filed 12-23-75;8:45 am]

BROADCAST SERVICE WORKING GROUPS 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meetings

DECEMBER 19, 1975.

Pursuant to Public Law 92-463, notice is hereby given that five of the Broadcast Service Working Groups for the 1979 World Administrative Radio Conference will be held during the month of January 1976 as follows:

AM BROADCASTING SERVICE GROUP

Monday, January 19, 1976—10:30 a.m.-12:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: D. C. Everist, FCC Liaison: Dennis Williams.

FM BROADCASTING SERVICE GROUP

Tuesday, January 13, 1976—1:30 p.m.-4:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: Gary Hess, FCC Liaison: Hideyuki Noguchi.

TV BROADCASTING SERVICE GROUP

Wednesday, January 14, 1976—9:30 a.m.-12 Noon, Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: James D. Parker, FCC Liaison: Charles H. Breig.

BROADCAST AUXILIARY SERVICE GROUP

Wednesday, January 14, 1976—1:30 p.m.-4:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: John Serafin, FCC Liaison: Al Jarratt.

BROADCAST SATELLITE SERVICE GROUP

Tuesday, January 27, 1976—9:30 a.m.-12 Noon, Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: E. E. Reinhart, FCC Liaison: Charles H. Breig.

The Agenda for each Service Group will be the same as follows:

1. Call to order and approval of Minutes of last meeting.
2. Approval of Agenda.
3. Reports from Task Groups.
4. Review of Spectrum Requirements.
5. New Matters for Consideration.
6. Next Meeting Date and Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34661 Filed 12-23-75;8:45 am]

BROADCAST BUREAU SERVICE GROUPS

Schedule of Meetings

DECEMBER 17, 1975.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of a Broadcast Bureau Service Working Group for the 1979 World Administrative Radio Conference.

The meeting is as follows: *January 12, 1976.*

The International Broadcasting Service Group, Stanley Leinwoll, Chairman and Roger Legge, Vice-Chairman, will hold its second meeting at 1:00 p.m. on January 12, 1976, in Room A205, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C. The meeting will be open to broadcast industry representatives and interested members of the public. The agenda for the meeting is as follows:

1. Call to order by the Chairman.
2. Approval of the minutes of the October 21, 1975 meeting.
3. Election of a secretary.
4. Reports of the members, Technical subcommittee and election of a chairman.
5. Reports of the members, Present Usage subcommitee and election of a chairman.
6. Discussion of possible regional methods of communication between members, between plenary sessions of working group.
7. New Business.
8. Setting next meeting date and adjournment.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34665 Filed 12-23-75;8:45 am]

CABLE TELEVISION ANNUAL REPORTING FORM

DECEMBER 9, 1975.

Because of unavoidable delays the Cable Television Annual Reporting Forms (FCC Form 325) were mailed later than had been anticipated. In order to permit sufficient time for the forms to be completed their due date has been extended until January 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34663 Filed 12-23-75;8:45 am]

COMMON CARRIER RELAY ADVISORY COMMITTEE

Meeting

DECEMBER 18, 1975.

The next meeting of the Common Carrier Radio Relay Advisory Committee, organized to prepare the 1979 World Administrative Radio Conference, will be held in Room 752, Federal Communicaheld on January 15, 1976 in Washington, D.C. The meeting will be tions Commission, 1919 M Street, NW. at 9:00 a.m. The agenda of the meeting is to: (1) review the progress of the five fact finding task forces, (2) discuss problems and approaches, (3) establish a schedule for completion of the various tasks, and (4) make recommendations for tentative changes in the Table of Frequency Allocations at this time for submission to the Steering Committee for its review by February 1, 1976.

All participants in the task forces are urged to attend. The meeting is open to the public.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34660 Filed 12-23-75;8:45 am]

JOINT INDUSTRY/GOVERNMENT COMMITTEE

1977 World Administrative Radio Conference For The Planning of The Broadcasting-Satellite Service in Frequency Bands 11.7–12.2 GHz (In Regions 2 and 3) and 11.7–12.5 GHz (In Region 1); Meetings

DECEMBER 19, 1975.

WORKING GROUP A (TERMINOLOGY AND DEFINITION

Tuesday, January 13, 1976—9:30 a.m.–12:30 p.m., Room 8009, 2025 "M" St., N.W., Washington, D.C.

Chairman: Mr. Richard O. Pullen, Common Carrier Bureau, FCC.

WORKING GROUP B (SHARING PRINCIPLES)

Wednesday, January 14, 1976—9:30 a.m.–12:30 p.m., Room 712A, 1800 "G" Street, N.W., Washington, D.C.

Chairman: Mr. Donald Jansky, Office of Telecommunications Policy.

WORKING GROUP C (SHARING CRITERIA)

Wednesday, January 14, 1976—1:30 p.m.–4:30 p.m., Room 712A, 1800 "G" Street, N.W., Washington, D.C.

Chairman: Mr. Edward E. Reinhart, Jet Propulsion Labs.

WORKING GROUP D (EVOLUTION OF REQUIREMENTS)

Tuesday, January 13, 1976—1:30 p.m.–4:30 p.m., Room 8009, 2025 "M" St., N.W. Washington, D.C.

Chairman: Mr. George W. Bartlett, National Association of Broadcasters.

WORKING GROUP E (INTERNATIONAL NON-TECHNICAL IMPLICATIONS)

Friday, January 16, 1976—1:00 p.m.–2:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: Mr. Harry R. Olsson, Jr., Columbia Broadcasting System, Inc.

WORKING GROUP F (PROCEDURES)

Wednesday, January 21, 1976—9:30 a.m.–12:30 p.m., Room 8009, 2025 "M" St., N.W., Washington, D.C.

Chairman: Mr. Donald Weiland, Office of Chief Engineer, FCC.

The Agenda for each Working Group-meeting is essentially the same:

1. Approval of Minutes of previous meeting.
2. Review of Task Group Reports.
3. Establish date for final report from each Working Group which should be no later than the end of February.
4. Other business—need for further meetings and setting of those meeting dates.
5. Adjournment.

There will be a joint meeting of CCIR Study Groups 10/11 and 10/11 B on Thursday, January 15, 1976—Room A–110—1229 20th Street, N.W. (Annex to 1919 "M" St., N.W.), Washington, D.C.—9:30 a.m.–4:30 p.m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34662 Filed 12-23-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Assumption of Sponsorship by the Federal Aviation Administration

Since the effective date of the Federal Advisory Committee Act (P.L. 92–463) in January, 1973, the Federal Communications Commission has served as the chartering agency of the Radio Technical Commission for Aeronautics (RTCA).

Effective January 2, 1976, the Federal Aviation Administration will assume sponsorship of the RTCA. Accordingly FEDERAL REGISTER notices for all RTCA Executive Committee and Special Committee meetings scheduled after this date will be included under the heading of the Federal Aviation Administration in the FEDERAL REGISTER's table of contents.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34664 Filed 12-23-75;8:45 am]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) ADVISORY COMMITTEE FOR THE CITIZENS RADIO SERVICE

Notice of Establishment and Initial Meeting

In May 1975, the Federal Communications Commission established several advisory committees to assist in preparations for the 1979 General World Administrative Radio Conference (WARC) of the International Telecommunication Union. This agency has determined that establishment of an additional WARC preparatory committee, the WARC Advisory Committee for Citizens Radio Service, is necessary and in the public interest. Pursuant to the Federal Advisory Committee Act (P.L. 92–463), notice of establishment is hereby provided.

The WARC Advisory Committee for Citizens Radio Service will be responsible for the following tasks:

(1) Analyzing the present usage of frequencies available to the Citizens Radio Service;

(2) Examining possible future developments in the service and the impact of such developments on spectrum utilization;

(3) Preparing recommendations for future spectrum needs of the service to the year 2,000;

(4) Preparing detailed justifications for any recommendations developed.

The Federal Communications Commission has scheduled the first meeting of the WARC Advisory Committee for Citizens Radio Service for January 13–14, 1976. The meeting will take place in conference room 8210 of the Commission's offices at 2025 M Street, N.W., Washington, D.C. and will commence each day at 10:00 a.m. All individuals interested in participating in the work of this WARC preparatory committee are invited to attend.

The agenda for the January 13–14 meeting will be as follows:

Call of the Agenda
Opening Remarks by the Chairman
Task Force Responsibilities:
I. International CB Implications
II. CB Frequency Allocations
III. Future of CB
Formulation of Tentative Frequency Allocation Table
Planning and Discussion of Future Working Group Tasks and Meetings
Adjournment

Individuals interested in presenting either oral or written statements at the meeting are requested to contact Joseph Johnson, Chairman, Room 5114, 2025 M Street, N.W., Washington, D.C., telephone 202 632–7275.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34628 Filed 12-23-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC–6]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FRESNO, FRESNO, CALIFORNIA

Notice of Approval of Conversion

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75–1165, approved the application of First Federal Savings and Loan Association of Fresno, Fresno, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34705 Filed 12-23-75;8:45 am]

[No. AC–5]

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION, SALT LAKE CITY, UTAH

Notice of Approval of Conversion

(Notice of Final Action)

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corportion, by Resolution No. 75–1164, approved the application of Prudential Federal Savings and Loan Association, Salt Lake City, Utah, for permission to convert to the stock form of organization. Copies of the application are available at the Office of the Secretary of said Corporation, 320 First Street NW., Wash-

ington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34706 Filed 12-23-75;8:45 am]

[No. AC-4]

STANDARD FEDERAL SAVINGS AND LOAN ASSOCIATION, GAITHERSBURG, MARYLAND

Notice of Approval of Conversion

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75-1163, approved the application of Standard Federal Savings and Loan Association, Gaithersburg, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW., Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34707 Filed 12-23-75;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 13, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9989-5 among the members of the above mentioned discussion agreement, is an agreement to (1) expand the scope to include the United Kingdom and the Republic of Ireland and (2) to extend the expiration date for eighteen months until August 8, 1977.

By order of the Federal Maritime Commission.

Dated: December 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-34726 Filed 12-23-75;8:45 am]

SEAPORT SHIPPING CO., INC. (CALIFORNIA)

Order of Revocation

On December 10, 1975, Seaport Shipping Co., Inc. (California), One Embarcadero Center, San Francisco, California 94111 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1332-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(b) (dated 6/30/75);

It is ordered, that Independent Ocean Freight Forwarder License No. 1332-R issued to Seaport Shipping Co., Inc. (California) be and is hereby revoked effective December 10, 1975, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Seaport Shipping Co., Inc. (California).

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.75-34727 Filed 12-23-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-88, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Reduction in Demand Charge of Rate Schedule SNG-1

DECEMBER 16, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on December 9, 1975, tendered for filing the following tariff sheets of its FPC Gas Tariff, First Revised Volume No. 1:

Twelfth Revised Sheet No. 10
Original Sheet No. 10-A
Second Revised Sheet No. 19
First Revised Sheet No. 20-C
First Revised Sheet No. 25

Algonquin Gas states that these sheets are being filed to reduce the Demand Charge per Day under Rate Schedule SNG-1 from the currently effective $1.489 to $1.402 and to request authorization to make related refunds for the period November 1, 1975 to January 9, 1976, the proposed effective date of the above-mentioned tariff sheets. The additional changes in tariff sheets relate primarily to format changes. Algonquin Gas states that the reduction is being filed to reflect the Commission authorization granted by letter order in Docket No. CP69-41, issued November 13, 1975 which, *inter alia*, permitted Algonquin Gas to sell the remaining unsold capacity produced by the SNG plant of Algonquin Gas' wholly owned subsidiary, Algonquin SNG, Inc., to Philadelphia Electric Company, Pottsville Gas Company, *et al.* and South Jersey Gas Company in the manner specified by such letter order.

Algonquin Gas requests that the Commission accept for filing the above-mentioned tariff sheets to be effective January 9, 1976 (30 days after filing).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34676 Filed 12-23-75;8:45 am]

[Docket No. CI64-686]

ASHLAND OIL, INC.

Notice of Application

DECEMBER 16, 1975.

Take notice that on November 19, 1975, Ashland Oil, Inc. (Applicant), P.O. Box 1503, Houston, Texas 77001, filed in Docket No. CI64-686 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain sales of natural gas for resale in interstate commerce to Arkansas Louisiana Gas Company (Arkla) because such sales are alleged to be uneconomical, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the sales from the Erick Field, Becham County, Oklahoma,

authorized in the instant docket to be made to Arkla pursuant to Applicant's FPC Gas Rate Schedule No. 160, because such sales are authorized to be made at 13.0 cents per Mcf at 14.65 psia at which rate, Applicant alleges, it is incurring a net loss. Applicant alleges that it will incur a net loss of $31,790 for the calendar year 1975.

Applicant further states that it filed for special relief in Docket No. RI75-121 [1]; however, the Commission has not acted upon Applicant's request. Applicant states that it has been recommended by its regional office that operations should commence to plug and abandon 6 of the 10 producing wells connected to Applicant's Erick Field gathering system if no affirmative action by the Commission on the request for special relief is forthcoming within 30 days of the instant application.

It is indicated that in the period from August 1, 1974, through July 31, 1975, Applicant sold 183,766 Mcf of natural gas from the subject wells.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1976, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-34678 Filed 12-23-75;8:45 am]

[1] Notice of application published in the FEDERAL REGISTER (40 FR 17159), April 7, 1975.

[Docket No. E-8302]

BANGOR HYDRO-ELECTRIC CO.

Order Approving Settlement and Terminating Proceeding

DECEMBER 16, 1975.

On July 1, 1973, Bangor Hydro-Electric Company (Bangor) tendered for filing a proposed initial rate schedule for a wheeling service whereby Bangor would wheel power from Maine Electric Company, Inc. and Maine Yankee Atomic Power Company across the Bangor system to Eastern Maine Electric Cooperative, Inc. (Eastern Maine). Bangor proposed to charge Eastern Maine a rate of $14 per kW per year and requested an effective date of January 1, 1973.

By letter dated August 2, 1973, Bangor was informed that its submittal was deficient. Bangor did not respond to the deficiency letter, nor did it respond to two subsequent letters of October 29, 1973 and August 16, 1974. On June 4, 1974, the Commission ordered a Section 206 investigation in the matter.

Consistent with the June 4, 1974, order, on June 19, 1975, Bangor submitted the additional material required to complete its filing. Also in accordance with the order, Bangor agreed to refund any revenues collected after January 1, 1973, which the Commission might find to be excessive under Bangor's wheeling rate. Bangor's June 19, 1975, supplemental filing was noticed on July 30, 1975.

On August 1, 1975, Eastern Maine Electric Cooperative, Inc. (Eastern Maine) filed a protest and petition to intervene. Permission to intervene was granted on September 3, 1975. By letter dated October 8, 1975, the Commission waived prior notice requirements and permitted the proposed $14/kW per year rate to become effective January 1, 1973, subject to refund.

On October 16, 1975, a hearing was convened. At the hearing Bangor and Eastern Maine stated that a settlement had been reached according to which the rate for the wheeling service was reduced from $14/kW per year to $11/kW per year, effective January 1, 1973.[1] By letter dated October 17, 1975, Bangor and Eastern Maine agreed that there would be a refund of the difference between the $14 rate and the $11 rate. The refund would apply to billings after January 1, 1973, and would be computed without interest.

The proposed settlement was certified to the Commission on October 21, 1975, and was noticed on November 10, 1975. On November 25, 1975, staff filed comments urging that the settlement be approved. No other comments were filed.

Our review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by our acceptance and approval of the settlement. Bangor's cost of service [2] and capitalization [3] studies provide adequate support for the proposed wheeling rate.[4]

The Commission finds: The proposed settlement of the issues in this proceeding as certified to this Commission on October 21, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. It accordingly should be approved as hereinafter ordered.

The Commission orders: (A) The proposed settlement certified to the Commission on October 21, 1975, is hereby approved and adopted as a settlement of the issues involved in this proceeding.

(B) The proposed settlement rate schedule is accepted for filing, and is designated as Supplement No. 3 to Rate Schedule FPC No. 26. Waiver of prior notice requirements is hereby granted and an effective date of January 1, 1973, is hereby assigned.

(C) Within thirty (30) days after the issuance of this order Bangor shall refund to Eastern Maine the revenues collected in excess of the amount which would have been billed at the settlement rate level for service subsequent to January 1, 1973, computed without interest.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Bangor or any person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] The proposed settlement rate schedule as designated "Revised Original Sheet No. 2".

[2] *See* Bangor's Statement M, Sheet 1-Revised, attached hereto as Appendix A.

[3] *See* Bangor's Statement G, attached hereto as Appendix B.

[4] Wheeling revenues in 1974 at the $14/kW per year rate amounted to $7,170, while total electric revenues were $30,545,984 for Bangor and $1,938,495 for Eastern Maine. At the $11/kW per year settlement rate, it is anticipated that wheeling revenues will remain less than $7,100 per year through September, 1976.

APPENDIX A.—*Bangor Hydroelectric Co. cost of service and rate base for 12 mo ending June 30, 1972*

Line	Item	Adjusted firm totals	Total WR schedules	Municipal (Lubec)	Private (Deer Isle)	Cooperatives	Wheeling	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Operating revenues	16,177,642	225,860	28,863	64,625	132,372	3,322	15,948,460
2	Operating revenue deductions:							
3	Operation and maintenance	9,884,173	210,234	31,141	59,122	119,971	1,399	9,672,540
4	Depreciation expense	1,645,144	30,839	4,082	8,709	17,067	607	1,613,608
5	General taxes and deferred losses	1,285,009	23,878	3,763	6,785	13,330	511	1,260,616
6	Subtotal	12,814,322	264,951	39,986	74,697	150,368	2,607	12,546,764
7	State income taxes	93,705	(2,325)	(559)	(619)	(1,147)	10	98,020
8	Federal income taxes	1,073,406	(26,648)	(6,410)	(7,094)	(13,144)	121	1,099,933
9	Total deductions	13,981,433	235,978	32,917	66,984	136,077	2,738	13,742,717
10	Return	2,196,209	(10,118)	(4,054)	(2,359)	(3,705)	584	2,205,743
11	Rate base:							
12	Net plant in service	34,812,683	657,956	101,343	188,002	368,611	14,934	34,139,793
13	Investment in MEPCO	236,929	6,867	1,283	1,744	3,840		220,062
14	Working capital	1,858,856	34,297	4,577	10,176	19,454	712	1,823,937
15	Contributions in aid of construction	(148,313)						(148,313)
16	Deferred tax reserves	(70,650)	(677)	(98)	(209)	(370)	(16)	(69,957)
17	Total rate base	36,689,505	698,353	107,105	199,713	391,535	15,630	35,975,522
18	Rate of return (percent)	5.99	(1.45)	(3.79)	(1.18)	(.95)	3.76	6.13

APPENDIX B.—*Bangor Hyroelectric Co. capitalization for 12 mo ending June 30, 1972*

Line	(1)	Capitalization (2)	Percent (3)	Cost, percent (4)	Cost of money, percent (5)
1	Debt	$25,000,000	54.83	4.39	2.41
2	Preferred stock	4,734,000	10.38	5.65	.59
3	Common equity (12 mo average)	15,857,935	34.79	9.97	3.47
4	Total	45,591,935	100.00		6.47

[FR Doc. 75-34686 Filed 12-23-75;8:45am]

[Docket Nos. ER76-96, E-9364 and E-9366]

BOSTON EDISON CO.

Order Granting Untimely Petition To Intervene

DECEMBER 15, 1975.

On September 2, 1975, Boston Edison Company (Edison) tendered for filing as an initial rate schedule a Unit Power Agreement with New England Power Company (NEPCO) for sale of capacity and energy to NEPCO from Edison's Mystic Unit No. 7. Public notice of said filing was issued on September 10, 1975, with protests or petitions to intervene due on or before September 22, 1975.

By order issued October 20, 1975, the Commission accepted the proposed rate schedule for filing, instituted a Section 206 investigation and consolidated the investigation therein ordered with the proceedings in Docket Nos. E-9364 and E-9366 for purposes of hearing and decision.

On November 12, 1975, NEPCO filed an untimely petition to intervene. Our review indicates that NEPCO has a sufficient interest in this proceeding so as to warrant intervention.

The Commission finds: NEPCO's participation in this proceeding may be in the public interest.

The Commission orders: (A) NEPCO is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

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

[FR Doc.75-34670 Filed 12-23-75;8:45 am]

[Project No. 1862]

CITY OF TACOMA, WASHINGTON

Notice of Petition

DECEMBER 16, 1975.

Public notice is hereby given that a pleading entitled "Petition for Rehearing, Reopening, Review or Such Other Relief as the Commission May Deem Proper" was filed December 24, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) on behalf of the Nisqually Indian Tribe (Petitioner) (Correspondence to: Arthur Knodel, Esq., 5505 20th Street East, Tacoma, Washington 98424) concerning the Second Nisqually Project No. 1862 licensed to the City of Tacoma, Washington. It is alleged in the petition that the project which was licensed on November 27, 1944, is located on lands of the Nisqually Indian Reservation.

The Petitioner alleges that there was no notification to Petitioner or the Commission at the time of licensing of the project that lands of the reservation were involved and that the project would appropriate the treaty rights to hunt and fish at all usual and accustomed grounds and stations. It is also claimed that Petitioner was not notified of Tacoma's application for license. Petitioner alleges that it has suffered extensive damage by the construction and operation of the project. The Petitioner requests that certain conditions be imposed which might include initial fees for use of lands and other property rights, an annual damage award, and the construction of fish facilities. Petitioner further requests that there be an increase in power rates to the customers of Tacoma in order to pay for and compensate Petitioner for rent, damages, and preservation of fish runs.

Tacoma was given the opportunity to respond to the petition and did so on March 3, 1975. Tacoma denies that Petitioner has any rights or interests in any lands within the project that were not taken legally. Tacoma states that its land acquisition program was made in good faith and that Petitioner's claimed interests in the land was not disclosed in a title search. Tacoma further denies that there has been any misappropriation, interference, or damages.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions' 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. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34677 Filed 12-23-75;8:45 am]

[Docket No. ER76-346]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company")

tendered for filing a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 146.

The Company tendered for filing the following documents:

Doc. No. 1	Exhibit A–5, Delivery Point No. 1, dated September 10, 1975.
Doc. No. 2	Exhibit A–5, Delivery Point No. 4, dated September 10, 1975.
Doc. No. 3	Exhibit A–4, Delivery Point No. 6, dated September 10, 1975.
Doc. No. 4	Exhibit A–2, Delivery Point No. 11, dated September 10, 1975.

The Company requests that these documents become effective on January 21, 1976.

The Company states that copies of the documents tendered for filing have been served on York Electric Cooperative, Inc., York, South Carolina.

The Company states that the four exhibit sheets submitted with this filing provide for the following increases in designated demand:

Delivery point	Exhibit	Kilowatt demand	
		From	To
1	A–5	2,400	3,100
4	A–5	5,500	7,000
6	A–4	4,200	5,700
11	A–2	3,500	4,200

Metering capacity will be increased to provide service for Delivery Point No. 1. The Company states that its facilities are adequate to provide the service described herein to Delivery Points No. 4, 6, and 11.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34679 Filed 12-23-75;8:45 am]

[Docket No. ER76-348]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tenedered for filing a supplement to the Company's Electric Power Contract with the City of Shelby, North Carolina. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 235.

Three documents are submitted with this filing. They are as follows:

Doc. No. 1	Exhibit A–1, Delivery Point No. 4 dated August 11, 1975.
Doc. No. 2	Exhibit A–1, Delivery Point No. 5 dated August 11, 1975.
Doc. No. 3	Exhibit A–1, Delivery Point No. 8 dated August 11, 1975.

The Company requests that these documents become effective on January 21, 1976.

The Company states that copies of the Exhibits have been served on the City of Shelby, North Carolina.

The Company states that the three exhibits provide for the following increases in capacity:

Delivery point	Exhibit	Kilowatt demand	
		From	To
4	A–1	3,000	4,000
5	A–1	2,000	3,500
8	A–1	2,000	3,000

The Company further states that its facilities are adequate to provide the service described to Delivery Point No. 8. Larger transformers will be installed to serve Delivery Point No. 4 and the metering capacity will be increased to service Delivery Point No. 5.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34680 Filed 12-23-75;8:45 am]

[Docket No. ER76-349]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with Union Electric Membership Corporation. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 141.

The only document submitted with this filing is Exhibit A–2, Delivery Point No. 6 dated November 10, 1975. The Company requests that this document become effective on January 21, 1976.

The Company states that a copy of Exhibit A–2 has been served on Union Electric Membership Corporation, Monroe, North Carolina.

The Company states that Exhibit A–2 provides for an increase in demand from 2,000 KW to 4,000 KW made at the request of the customer. To provide service under this agreement, the Company states that it will install a step down substation to serve the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34681 Filed 12-23-75;8:45 am]

[Docket No. ER76-350]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with Davidson Electric Membership Corporation. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 134.

The only document submitted with this filing is Exhibit A, Delivery Point No. 11 dated November 24, 1974. The Company requests that this document become effective on January 21, 1976.

The Company states that Exhibit A is a new point of delivery made at the request of the customer. To provide service under this agreement, the Company states that it will install a 100/12.47 KV substation to serve the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants 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.75-34682 Filed 12-23-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATES GAS TRANSMISSION, INC.

Order Rejecting Substitute Tariff Sheets Without Prejudice

DECEMBER 15, 1975.

On May 30, 1975, Granite State Gas Transmission, Inc. (Granite State) tendered for filing a revised tariff sheet [1] to its FPC Gas Tariff, Original Volume 1, seeking to increase its rates to its parent and sole jurisdictional customer [2] by $217,750 annually. By order issued June 18, 1975, we *inter alia*, accepted this revised sheet for filing and suspended its effectiveness for five months, or until December 1, 1975.

On November 18, 1975, Granite State filed a substitute revised tariff sheet [3] and a motion to place that sheet into effect on December 1, 1975, the end of the suspension period. Granite State's tariff sheet filed on November 18, 1975, is based on the cost classification, allocation, and rate design methodology adopted in *United Gas Pipe Line Company*, Opinion No. 671 [4] instead of the *Atlantic Seaboard* method [5], upon which its original filing was based. Granite State requests waiver of Section 154.66 of the Commission's Regulations in order to modify its rates and requests waiver of the 30 day notice requirement in order to permit these rates to become effective December 1, 1975. We believe that the change requested is consistent with our policies with regard to cost classification, allocation, and rate design and that waiver of Section 154.66 of the Regulations should be granted. However, the effect of the revision to the cost classification and allocation method results in an increase in the claimed jurisdictional cost of service, which increase in suspended rates we can not permit. Accordingly, we shall reject the tendered tariff sheet without prejudice to Granite State's right to refile, within ten days of the issuance of this order, a revised tariff sheet based on its claimed cost of service in its filing of May 30, 1975, and the revised method of cost classification and rate design reflected in its November 18, filing which tariff sheet may be made effective December 1, 1975 provided an appropriate motion is filed seeking waiver of our regulations as necessary.

The Commission finds: Good cause exists to reject Granite State's November 18, 1975, filing or hereinafter ordered and conditioned.

The Commission orders: (A) Granite State's November 18, 1975, filing is rejected without prejudice to Granite State's right to refile, within ten days of the date of issuance of this order, a revised tariff sheet based on its claimed cost of service in its filing of May 30, 1975, and the revised method of cost classification and rate design reflected in its November 18, 1975, filing, which tariff sheet may be made effective December 1, 1975, subject to refund, and provided further than an appropriate motion is filed seeking waiver of our regulations as necessary.

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

By the Commission.

(SEAL) KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34671 Filed 12-23-75;8:45 am]

[Docket No. ER76-344]

HARTFORD ELECTRIC LIGHT CO.

Notice of Termination

DECEMBER 15, 1975.

Take notice that on December 8, 1975, The Hartford Electric Light Company ("the Company") tendered for filing a notice that effective May 31, 1974, Rate Schedule FPC No. HELCO 69, effective June 30, 1973, and filed with the Federal Power Commission by the Company, was terminated in accordance with its terms.

The Company states that notice of the proposed termination has been served upon Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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 pettion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34672 Filed 12-23-75;8:45 am]

[Docket No. ER76-109]

ILLINOIS POWER CO.

Supplemental Data To Interconnection Agreement Filing

DECEMBER 16, 1975.

Take notice that on December 4, 1975 Illinois Power Company (Company), tendered for filing additional data to supplement its September 8, 1975 filing of an Interconnection Agreement dated July 25, 1975 between Illinois Power Company and Western Illinois Power Cooperative, Inc.

Company states that the additional data is filed pursuant to the Commission Secretary's letter of October 3, 1975 informing Company that its filing of the Interconnection Agreement was deficient with respect to certain requirements of the Commission's regulations under the Federal Power Act and requesting Company to submit the required data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a pettion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34683 Filed 12-23-75;8:45 am]

[Docket No. R174-188]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Certification of Proposed Settlement Agreement

DECEMBER 12, 1975.

Take notice that on December 3, 1975, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above referenced docket. The record of the proceeding was also certified for the Commission's use in reviewing the proposed settlement. The proposed settlement would resolve all outstanding issues. Attached to the settlement proposal is a motion requesting that the settlement proposal be certified to the Commission.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 31, 1975. Replies to comments are due on or before January 7, 1976. Comments and replies to comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34667 Filed 12-23-75;8:45 am]

[1] Ninth Revised Sheet No. 3A.
[2] Northern Utilities, Inc.
[3] Substitute Ninth Revised Sheet No. 3A.

[Docket Nos. RP75-98 and RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Proposed Substitute Changes In Rates

DECEMBER 12, 1975.

Take notice that on December 8, 1975, McCulloch Interstate Gas Corporation ("McCulloch"), 10880 Wilshire Boulevard, Los Angeles, California 90024, tendered for filing Substitute Sixth Revised Sheet No. 32 in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on November 1, 1975, in substitution for the rates initially filed in this Docket No. RP75-98 on April 30, 1975 and suspended by order issued herein on May 30, 1975 and in substitution for the rates filed in Docket No. RP73-91 on August 14, 1975 to reflect a purchased gas cost adjustment.

According to McCulloch, Substitute Sixth Revised Sheet No. 32 is submitted to adjust the rates originally filed in Docket No. RP75-98 to reflect a current cost of gas adjustment which became effective October 1, 1975, during the time the rates originally filed for were in suspension. The cost of purchased gas adjustment in the proposed filing herein amounts to a reduction in rates of approximately $168,785 annually.

According to McCulloch, copies of this filing were served upon all the parties to this proceeding and the regulatory Commission of the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34668 Filed 12-23-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Filing of Stipulation and Agreement

DECEMBER 15, 1975.

Take notice that on December 8, 1975, Mississippi River Transmission Corporation (MRT) submitted for filing a proposed Stipulation and Agreement and a motion for Commission approval thereof. This Stipulation and Agreement was filed with the Commission following a hearing held on December 4, 1975, at which the previously filed direct evidence of both the Commission Staff and MRT, and the direct evidence of an intervenor, Laclede Gas Company (Laclede), was introduced into the record. At the hearing, it was agreed that since the evidence of Laclede had not previously been filed, such evidence would be promptly mailed to all parties; and it was announced that upon the filing of the Stipulation and Agreement with the Commission, the Presiding Administrative Law Judge would certify the record in these proceedings to the Commission as support for the proposed agreement. The proposed Stipulation and Agreement, if approved, will effectively resolve all issues arising in these proceedings.

Any person wishing to do so may submit written comments concerning the proposed Stipulation and Agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34673 Filed 12-23-75;8:45 am]

[Docket No. RP71-127 (PGA 76-4)]

NATURAL GAS PIPELINE CO. OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Increase

DECEMBER 12, 1975.

Take notice that on December 1, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective January 1, 1976:

Twenty-sixth Revised Sheet No. 5
First Revised Sheet No. 5A

Natural states that as explained below, alternate tariff sheets were also filed.

Natural states the filing was made pursuant to the provisions of Section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its FPC Gas Tariff, to track an increase in the cost of gas purchased, effective January 1, 1976, from United Gas Pipe Line Company, a pipeline supplier to Natural. Natural states that United's filing was made November 14, 1975 to be effective January 1, 1976 in accordance with the terms of its PGA Clause.

Natural states that it filed concurrently under separate cover a Motion to Make Substitute Tariff Sheets Effective in the Event of Stay in the proceedings at Docket No. RP75-108.

Natural states that for the reasons set out in that motion, alternate Base Rates reflecting the use of the unmodified *Seaboard* basis of cost allocation were filed to be effective December 1, 1975 in the event tariff sheets previously filed therein and utilizing the "United formula" method of cost allocation are stayed. Natural states that therefore, alternate tariff sheets reflecting Base Rate levels under the unmodified *Seaboard* basis were also submitted as part of the PGA unit adjustment filing. Natural states that both sets of tariff sheets submitted reflect the same PGA unit adjustment levels.

Natural states that as notice of the supplier filing was not received by Natural in time to permit it to meet the 45 day filing requirements of its PGA tariff provision, it requests that that provision be waived to permit Natural's PGA unit adjustment to become effective January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34669 Filed 12-23-75;8:45 am]

[Docket No. RP75-81]

NORTH PENN GAS CO.

Order Granting Interventions, Establishing Procedures, Scheduling Pre-Hearing Conference Before An Administrative Law Judge and Providing For Hearing

DECEMBER 15, 1975.

On April 23, 1975, the Commission suspended the tariff sheets tendered by North Penn Gas Company (North Penn) and deferred their use until April 25, 1975, and until such time as they are made effective in the manner prescribed by the Natural Gas Act. Upon a motion by North Penn the tariff sheets were placed into effect on June 20, 1975, subject to refund.

The suspended tariff sheets were tendered by North Penn on March 24, 1975.[1] These sheets contain North Penn's proposed permanent curtailment plan which provides for curtailment of deliveries in the event of a force majeure situation, which is therein defined as including an inability of North Penn to obtain sufficient gas supplies to meet its customers' requirements. No curtailment procedure exists in the old tariff.

Public notice of the proposed plan was issued on April 15, 1975 with protests and petitions to intervene due on or before May 8, 1975. Timely petitions to intervene with requests for pre-hearing conference in the above mentioned docket were received from New York State Electric Gas Corporation and from Corning Natural Gas Corporation. A timely Notice of Intervention with request for pre-hearing conference was received from the Public Service Commission of the State of New York. The

[1] The tendered sheets are designated as First Revised Sheet No. 12 and Original Sheets No. 12A-12F.

Pennsylvania Public Utilities Commission filed a timely Notice of Intervention.

In our order of April 23, 1975, we found that North Penn's tendered tariff sheets may be unlawful and consequently, we suspended the use of those sheets. We will now convene a hearing to resolve the issues involved in North Penn's tender. Additionally, we will convene a prehearing conference, as suggested by some of the above petitioners, for the purpose of expediting the resolution of the issues.

The Commission finds: (1) Participation in this proceeding by New York State Electric and Gas Corporation and Corning Natural Gas Corporation may be in the public interest.

(2) Good cause exists for convening a pre-hearing conference for the purpose stated heretofore, and setting the issues involved for hearing and establishing the procedures for such hearing all as hereinafter ordered.

The Commission orders: (A) The above-mentioned intervenors are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further*, that the admission of intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 22, 1976, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The direct case of the Applicant herein and any supporting interveners shall be filed and served on all parties of record, including the Commission Staff on or before December 30, 1975.

(D) Pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure a pre-hearing conference shall be held on January 8, 1975 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at both the pre-hearing conference and the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

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

[FR Doc.75-34674 Filed 12-23-75;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Motion To Reopen Record

DECEMBER 15, 1975.

Transcontinental Gas Pipe Line Corporation (Transco) filed on November 4, 1975 a Motion to Reopen Record in the above-referenced proceeding. Transco's Motion is premised on its interpretation of Article IX of the Settlement Agreement in this docket, certified to the Commission on January 4, 1974, and its interpretation of *Transcontinental Gas Pipe Line Corporation* v. *F.P.C.*, No. 73-1626 (D.C. Cir. Sept. 2, 1975). Transco states that Article IX included in the settlement cost of service $4,447,964 for the unamortized portion of certain unrecoverable advance payments made by it, and provided that the inclusion was subject to final court review of "the merits of the propriety of rate base treatment thereof" or, should the determination not be on the merits, for reopening the record. Transco submits that the decision in *Transcontinental, supra*, "did not reach the *merits* of the propriety of rate base treatment of Transco's unrecoverable advance payments." Accordingly, Transco seeks to have the record reopened to determine the propriety of inclusion of these payments in rate base.

Based upon our review of Transco's Motion and the arguments raised therein, we have determined that Transco's Motion should be denied. Section IX of the Settlement Agreement certified in this proceeding provides that the advance payments amount included therein would be subject to "final court review on the merits of the propriety of rate base treatment thereof." We believe that the Court in *Transcontinental, supra*, did address the merits of including nonrecoverable advance payments, such as those provisionally included in the settlement cost of service, in rate base and, therefore, there is no necessity for reopening the record. As the Court stated the issue of this case, it did reach the merits of rate base treatment of unrecoverable advance payments.

The substantive issue raised by that application [Transco's filing for rehearing of *Order of Clarification and Denial of Rehearing on Modification*, issued February 27, 1973] and this appeal is whether the Commission's exclusion from rate base of nonrecoverable advances which are being amortized to cost of service as an expense is in violation of the Constitution and the Natural Gas Act. (Slip Op. at 1679)

Transco argued to the Court in *Transcontinental, supra*, that the "half a loaf" treatmet, which allows gradual recoupment of these nonrecoverable advance payments but requires the stockholders to absorb the carrying charges, was confiscatory. (Slip Op. at 1681) Thus it is clear that both the parties and the Court focused on the question of whether it is proper to allow nonrecoverable advance payments to excluded from rate base. The Court of Appeals indicated that the proper test for unconstitutional confiscation includes reviewing the situation before it in its entirety. Quoting from *F.P.C.* v. *Natural Gas Pipeline*, 315 U.S. 575, 586 (1942), The Court of Appeals set out the standards under which it reviewed our orders.

Once a fair hearing has been given, proper findings made and other statutory requirements satisfied, the courts cannot intervene in the absence of a *clear showing* that the limits of due process have been overstepped. If the Commissions' order, as applied to the facts before it and *viewed in its entirety*, produces no arbitrary result, our inquiry is at an end. (Slip, 1682, emphasis by the Court of Appeals.)

It would be contradictory for the Court to establish the "entirety" test as proper in this case and then bisect the accounting treatment from the rate treatment, as Transco in its Motion asserts the Court did. The Court looked not only at what accounting treatment we had given to nonrecoverable advance payments, but also at the rate making effect of that treatment.

In the instant case, Transco concedes that it will be compensated for the full amount of nonrecoverable advance payments since they may be amortized in cost-of-service and thus recovered through gross revenue. Nevertheless, Transco argues that the challenged accounting rule deprives it of compensation for the capital cost which it bears for working capital dedicated to advance payments which, though prudently made, have become unrecoverable.

We are satisfied that the Commission's treatment of the pipelines' interest-free loans cannot fairly be assailed as unreasonable to the pipelines. (Slip, 1683)

The Court is discussing the entire treatment, both accounting and rate, afforded these payments under our orders. Its decision that our treatment was not unreasonable, therefore, appears to us to have addressed the merits of the appropriateness of excluding unrecoverable advance payments from rate base.

Transco's final point on its Motion suggests that a general accounting rule as applied to specific proceedings can be reviewed only "on the basis of *findings made after a hearing*." (Emphasis in Transco's Motion.) This is not in accordance with proper administrative procedure and law. What Transco suggests would lead to a situation in which a hearing would be required for every pipeline on every nonrecoverable advance payment made. This would defeat the entire purpose of the rulemaking procedure from which Order No. 465 and the Order of Clarification, issued February 27, 1973, resulted as well as unnecessarily clog our already overburdened administrative hearing system. It is well established that we may act by rulemaking or other means, such as area rate proceedings, to promulgate policy without being required

to hold an evidentiary hearing subsequently for each pipeline to test the applicability of the rule promulgated in their situations. E.g., *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968); see generally, *Davis, Administrative Law*, (3rd Ed. 1972), Chapter 6.

We believe that Transco's Motion to Reopen Record must be denied. Article IX of the Settlement Agreement conditions the inclusion of $4,447,964 of nonrecoverable advance payments on "final court review on the merits of the propriety of rate base treatment" of that amount. We believe that the Court of Appeals did address the merits of including such nonrecoverable advance payments in rate base and that its affirmation of our Orders on this issue indicates that the exclusion of these amounts from rate base is just and reasonable. Accordingly, the conditions of Article IX have been met and no reason exists for reopening the record as requested by Transco. Pursuant to the provisions of Article IX, Transco shall refund the amount included in the settlement cost of service for the unamortized portion of certain unrecoverable advance payments made by it.

The Commission finds: Good cause exists to deny Transco's Motion to Reopen the Record.

The Commission orders: (A) Transco's Motion to Reopen Record is hereby denied.

(B) Transco is hereby ordered to make refunds in accordance with the provisions of Article IX of $4,447,964, the amount included in the Settlement Agreement in this docket for the unamortized portion of certain unrecoverable advance payments, within 60 days of the issuance of this order.

(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.75-34675 Filed 12-23-75;8:45 am]

[Docket No. CP76-157]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 16, 1975.

Take notice that on November 10, 1975, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-157 an application pursuant to Section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon by sale to Arkansas Louisiana Gas Company (Arkla) certain pipeline, metering and regulating facilities in and around Shreveport and Bossier City, Louisiana, to abandon deliveries of natural gas directly to Atlas Processing Company (Atlas), and to abandon sales and deliveries of natural gas to Louisiana Gas Service Company (LGSC) for resale and for a certificate of public convenience and necessity authorizing the construction and operation of metering and regulating facilities for the dlivery of natural gas to Arkla for resale in and around Shreveport and Bossier City, for delivery of natural gas to port and Bossier City, for delivery of natural gas to Arkla for redelivery to Atlas and for the sale and delivery of natural gas to Arkla in lieu of LGSC, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon by sale to Arkla approximately 57,222 feet of 16-inch pipeline, 110,378 feet of 12-inch pipeline, 14,956 feet of 10-inch pipeline, 76,623 feet of 8-inch pipeline, 1,122 feet of 4-inch pipeline, 173 feet of 2-inch pipeline, and related separating, measuring and regulating facilities, located in Bossier and Caddo Parishes, Louisiana. Applicant states that Shreveport and Bossier City have expanded since the time said facilities were constructed and that some portion of the facilities are now located within the cities. The expansion is said to have changed the function of the pipeline from transmission to distribution; and, therefore, Applicant proposes to sell the facilities to Arkla to be used as part of its distribution system. Applicant proposes to sell the system to Arkla for $1,000,000, and states that the depreciated original cost of the facilities will be $591,848 on June 30, 1976.

In order to continue the sale for resale and delivery of natural gas to Arkla, Applicant requests authorization to construct and operate a dual 10-inch orifice meter station near Blanchard in Caddo Parish and a dual 16-inch orifice meter station and appurtenant facilities on Barksdale Air Force Base in Bossier Parish. Applicant estimates that the cost of the proposed facilities would be approximately $144,705. It is stated that the construction of the two proposed meter stations would not change Applicant's present sales volumes or service to Arkla.

Applicant further states that it serves one direct industrial customer, Atlas, from the facilities proposed to be abandoned. Applicant alleges that it has presently before the Commission in Docket No. CP75-196 an application[1] for permission and approval to abandon service to Atlas because the sales agreement between Atlas and Applicant has expired and because Atlas uses such gas for a low priority end use (boiler fuel). Applicant states that Arkla has agreed to deliver up to 10,000 Mcf of natural gas per day to Atlas for Applicant without charge pending Commission action on the proposed abandonment.

Applicant states that it sells up to 400 Mcf of gas per day to LGSC from 401 farm taps along the pipeline and appurtenant facilities to be sold to Arkla in the Shreveport and Bossier City areas and along certain of Applicant's other transmission, field, and gathering lines in Bossier, Caddo, Claiborne, and Webster Parishes. Applicant states further that LGSC intends to sell the retail distribution facilities to Arkla connected to said farm taps and that Arkla intends to continue sales and distribution of natural gas from said facilities. Accordingly, Applicant proposes to transfer to Arkla 400 Mcf per day of LGSC's maximum daily quantity of gas by reducing by 73 Mcf per day the amount of gas available to LGSC at the town of Hall Summit, Louisiana, and by reducing by 327 Mcf per day the amount of gas available to LGSC at the town of Lisbon, Louisiana. Concurrently, Applicant proposes to amend its service agreement with Arkla covering Arkla's requirements in the communities of Cotton Valley, Farmerville, Sarepta, and Springhill, Louisiana, to increase the maximum daily quantity thereunder from 4,290 Mcf to 5,320 Mcf at the Sarepta-Springhill delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34684 Filed 12-23-75;8:45 am]

[1] Notice published in the FEDERAL REGISTER January 20, 1975 (40 FR 3252).

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order Approving Settlement Agreement

DECEMBER 16, 1975.

On February 4, 1974, Wisconsin Electric Power Company (WE) and its

wholly-owned subsidiary Wisconsin Michigan Power Company (WM) (Applicants) tendered for filing a proposed revised rate schedule supplement covering service to twenty wholesale customers.[1] The filing proposed to effect a $3,018,000 increase in revenues from jurisdictional sales, based on a test period ending December 31, 1974. Applicants stated that this proposed revenue increase of 34.9 percent was necessary to yield their required rate of return of 8.46 percent.

By order issued April 19, 1974 the Commission accepted for filing and suspended for five months Applicants' rate filing, to become effective September 20, 1974, and set the matter for hearing. Three petitions to intervene were filed by the aforementioned cities[2] (Cities), the Upper Peninsula Power Company, and the Oconto Electric Cooperative and Alger Delta Cooperative on June 10, 1974. A third rural electric cooperative, Ontonagon County Rural Electrification Association, filed a protest on February 19, 1974.

A hearing was convened on July 8, 1975, following which negotiations were held leading to a proposed settlement agreement. On October 16, 1975, the presiding Administrative Law Judge William L. Ellis certified a proposed settlement agreement to the Commission. Notice of the certification was issued on October 24, 1975.

On October 31, 1975, the Staff filed comments pursuant to the notice of certification of the settlement proposal stating that as a result of its analysis of the agreement it concluded that the proposed settlement rates were justified. No other comments were received.

The settlement agreement[3] resolves all the contested issues among all the parties to the proceeding. Specifically, this agreement would reduce the revenue increase sought by the Applicants from $3,015,016 to $2,637,499, resulting in an overall return of 7.73% according to the settlement, based on a 1974 test period, and would eliminate a restriction on sale for further resale of energy furnished under the applicants' rate for wholesale service to large electric utilities. Under the Settlement Agreement, Applicants agree to file rate schedule revisions and to refund to their customers any amounts collected for service from September 20, 1974 in excess of amounts that would have been collected under the settlement rates, with seven (7) percent interest. Included in the agreement is a provision for a moratorium against any further rate increases to become effective prior to January 1, 1976.

Based on our consideration of the data and petitions submitted in this case[4] and Staff's comments thereon, we conclude that the Settlement rates proposed herein are justified.

The Commission finds: (1) The Settlement Proposal certified to the Commission by the presiding Administrative Law Judge William L. Ellis on October 16, 1975, in Docket No. E-8619 should be approved in its entirety.

The Commission orders: (A) The Settlement Proposal certified to the Commission by the Presiding Administrative Law Judge William L. Ellis on October 16, 1975, in Docket No. E-8619 is hereby approved in its entirety.

(B) Applicants shall be required within 30 days of the issuance of this order to file revised rates reflecting those rates contained in the settlement agreement and shall refund to its Customers any amounts collected for service from September 20, 1974, in excess of amounts that would have been collected under the settlement rates, with interest at seven (7) percent, pursuant to Article I of the attached Settlement Agreement. Upon the Commission's receipt of Applicant's statement of compliance with this order, Docket No. E-8619 shall terminate.

(C) This order is without prejudice to any findings of orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Applicants, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Applicants or any other person or party.

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

By the Commission.

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

APPENDIX A

City of Cedarburg, Wis.
Village of Deerfield, Wis.
City of Elkhorn, Wis.
City of Hartford, Wis.
City of Jefferson, Wis.
City of Lake Mills, Wis.
City of Oconomowoc, Wis.
Village of Slinger, Wis.
City of Waterloo, Wis.
City of Clintonville, Wis.
City of Kiel, Wis.
City of Crystal Falls, Mich.
Town of Florence, Wis.
City of New London, Wis.
Oconto Electric Cooperative
City of Oconto Falls, Wis.
City of Shawano, Wis.
Upper Peninsula Power Co.
Alger-Delta Cooperative Electric Asso.
Ontonagon County Rural Electrification Asso.

APPENDIX B

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL POWER COMMISSION

[Docket No. E-8619]

Wisconsin Electric Power Co., Wisconsin Michigan Power Co.

Settlement Agreement

Introduction

This Settlement Agreement is made and entered into between Wisconsin Electric Power Company and its subsidiary Wisconsin Michigan Power Company ("Applicants") and their wholesale customers intervening in this proceeding ("Customers"), consisting of: (1) 16 municipals, the Cities and Villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger, and Waterloo, Wisconsin, and Crystal Falls, Michigan; (2) two rural electric cooperatives, Oconto Electric Cooperative and Alger Delta Cooperative Electric Association; and (3) one investor-owned utility, Upper Peninsula Power Company. A third rural electric cooperative, Ontonagon County Rural Electrification Association, is not an intervenor in this proceeding.

This Settlement Agreement involves Applicants' joint filing of rates for service to Customers tendered on February 4, 1974, and effective subject to refund since September 20, 1974. Specifically:

1. Article I hereof provides for filing of the rate schedule revisions attached hereto as Appendix A. As shown on Appendix B hereto, the settlement rates would, based on the 1974 test period, reduce the revenue increase sought by Applicants from $3,015,016 to $2,637,499. The rate schedule revisions in Appendix A would also eliminate a restriction on resale for further resale of energy furnished under Applicants' rate for wholesale service to large electric utilities.

APPENDIX B

2. Article II provides for a moratorium against any further rate increase to become effective prior to January 1, 1976.

3. Article III provides that the Settlement Agreement resolves all issues between the Applicants and Customers arising from Applicants' filing.

This Settlement Agreement resulted from discussions between Applicants, Customers, and the Commission's staff held at various times in 1975. As a result of those discussions, but subject in every particular to the conditions set forth in this Settlement Agreement, including acceptance of this Settlement Agreement in its entirety and without change or condition by the Commission, and with the understanding that each term of the Settlement Agreement is in consideration and support of every other term, Applicants and Customers have agreed as follows:

Article I

Article 1.1: Upon the Commission's approval of this Settlement Agreement, Applicants will file the rate schedule revisions attached hereto as Appendix A.

Article 1.2: Applicants agree to refund to Customers any amounts collected for service from September 20, 1974 in excess of amounts that would have been collected under the settlement rates in Appendix A, with interest at seven percent.

Article II

Moratorium

Applicants agree that they will not increase their settlement rates prior to January 1, 1976. It is understood and agreed that Applicant may submit for filing a proposed rate increase and may request a proposed effective date prior to January 1, 1976, provided that Applicants request suspension of the proposed rates until January 1, 1976.

Article III

Full Settlement

Applicants and Customers agree that this Settlement Agreement is in full settlement of all issues arising from Applicants' filing in this docket.

Article IV

Settlement Cost of Service

It is agreed, for settlement purposes only, that the settlement rates are supported by

[1] See Appendix A.

[2] Cities and Villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger, and Waterloo, Wisconsin and Crystal Falls, Michigan.

[3] See Appendix B.

[4] See Settlement Calculation of Revenue Requirement contained in Appendix C.

the 1974 test year cost of service analysis presented in Appendix C hereto.

Article V

Conditions

Article 5.1: The making of this Settlement Agreement shall not be deemed in any respect to constitute an admission by Applicants or Customers that any allegation or contention in these proceedings, or as to any of the foregoing matters, is true and valid.

Article 5.2: The making of this Settlement Agreement establishes no principles and shall not be deemed to foreclose Applicants or Customers from making any contention in any proceeding or investigation, except for Applicants' commitments in Articles I and II.

Article 5.3: The acceptance of this Settlement Agreement by the Commission shall not in any respect constitute a determination by the Commission as to the merits of any allegations or contentions made in this rate proceeding.

Article 5.4: This Settlement Agreement is expressly conditioned upon the Commission's acceptance of all the provisions thereof, without change or condition, and upon the following further Commission actions:

(a) waiver of the requirements of Section 35.3 of its regulations under the Federal Power Act with respect to the filings provided for in Article I of this Settlement Agreement, to the extent necessary to effectuate all of the provisions hereof; and

(b) waiver by the Commission of the requirements of Section 35.13 of its regulations under the Federal Power Act with respect to said filings; and

(c) acceptance of said filings without suspension under Section 205 of the Federal Power Act, effective as of the dates specified in said filings.

Article 5.5: The discussions which have produced this Settlement Agreement have been conducted on the explicit understanding, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure, that all offers of settlement and discussions relating thereto are and shall be privileged, shall be without prejudice to the position of any party or participant presenting any such offer or participating in any such discussion, and are not to be used in any manner in connection with this proceeding or otherwise. This Settlement Agreement is submitted on the condition that, in the event the Commission does not by order accept it in its entirety, this Settlement Agreement shall be deemed withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purposes.

This Settlement Agreement is entered into in Madison, Wisconsin, this ____ day of _____, 1975 by and between Customers and Applicants, by their respective attorneys who represent that they are fully authorized to do so on behalf of their principals.

Wisconsin Electric Power Company, Wisconsin Michigan Power Company.

By_____
Its Attorney

Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger and Waterloo, Wisconsin, and Crystal Falls, Michigan.

By_____
Their Attorney

Oconto Electric Cooperative, Alger Delta Cooperative Electric Association.

By_____
Their Attorney

Upper Peninsula Power Company.

By_____
Its Attorney

APPENDIX C

WISCONSIN ELECTRIC POWER COMPANY SYSTEM

Calculation of Revenue Requirements—Wholesale Customers [1]

Year 1974

	Wholesale
Rate base	$27,446,600
Return requirement at 7.73 percent	2,121,653
Return-actual	443,306
Return deficiency	1,678,347
Income tax:	
Return deficiency	----------
Revenue requirement (51.52 percent tax rate)	----------
Income tax deficiency	----------
Rate base allocation (percent)	2.8787
Allocation of income tax:	
Actual income taxes	----------
Deficiency	----------
Total income tax requirement	$761,653
Revenue requirement:	
Total income tax requirement	761,653
Less actual income taxes	(197,500)
Income tax deficiency	959,153
Return deficiency	1,678,347
Total revenue increase required	2,637,500

[FR Doc.75-34685 Filed 12-23-75;8:45 am]

[Docket No. ER76-347]

DUKE POWER COMPANY

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with the City of Seneca, South Carolina. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 263.

The only document submitted with this filing is Exhibit A-1, Delivery Point No. 1, dated September 10, 1975. The Company requests that this document become effective on January 21, 1976.

The Company states that a copy of this document has been served on Seneca Light and Water Plant, Seneca, South Carolina.

The Company states that Exhibit A-1 provides for an increase in contract demand from 12,000 KW to 16,000 KW made at the request of the customer. No new facilities have been installed to provide the service described in the Exhibit A-1.

[1] Aug. 13, 1975, data revised for new WMP loss data and corrected demand data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34856 Filed 12-23-75;8:45 am]

[Docket No. ER76-351]

IOWA POWER AND LIGHT COMPANY

Notice of Proposed Rate Changes

DECEMBER 16, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on December 9, 1975, tendered for filing the following rate schedules:

Service Schedule B to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede Supplement No. 2 to Iowa Power Rate Schedule FPC No. 39;

Service Schedule D to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede the original Service Schedule D in effect under Iowa Power Rate Schedule FPC No. 39; and

Third Amendment to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede Supplement No. 1 to Iowa Power Rate Schedule FPC No. 39.

Iowa Power states that since no transactions under Service Schedules B and D have occurred within the last twelve months, and more are contemplated within the next twelve months, the proposed change will have no effect upon revenues from jurisdictional sales and service based on the twelve month period ending November 18, 1976.

Iowa Power further states that the proposed changes in rates charged under Service Schedules B and D were made for the purpose of bringing these rates into conformity with the rates being charged Iowa Power for similar services under the Mid Continent Area Power Pool (MAPP) Agreement to which Iowa Power is a party. The change in reserve requirements of the parties proposed by the Third Amendment was made for the purpose of bringing the City's reserve requirement up to the level which the MAPP Agreement requires Iowa Power to maintain.

Iowa Power requests the Commission waive the prior notice requirements of Section 35.13(a) of the Regulations and

accept the filing with a retroactive effective date of November 18, 1975. Iowa Power states that copies of the filing have been served upon the City of Ames, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34857 Filed 12-23-75;8:45 am]

[Docket No. ER76-891]

KANSAS CITY POWER & LIGHT COMPANY

Notice of Filing of Supplemental Data

DECEMBER 17, 1975.

Take notice that on December 8, 1975, Kansas City Power & Light Company tendered supplemental data intended to make complete its original filing of August 25, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34858 Filed 12-23-75;8:45 am]

[Docket No. ER76-332]

KANSAS POWER AND LIGHT COMPANY

Notice of Filing

DECEMBER 17, 1975.

Take notice that on December 5, 1975, the Kansas Power and Light Company (Kansas Power) tendered for filing an amendment to its Power Service Agreement with Ninnescah Rural Electric Coop Association, Inc. (Coop) dated September 21, 1973, designated Rate Schedule FPC No. 160. Kansas Power states that this proposed change will provide for increased capacity two present delivery points, the decreased capacity at one present delivery point, a new delivery point for the Coop at "New Belpre" with a maximum demand of 1500 KW at Phase 34.5 KV, and the deletion of the current Belpre delivery point.

Kansas Power states that the proposed changes are necessary to provide for more efficient service to customers of the Coop in order to meet the coming summer peak load.

Kansas Power states that copies of this filing have been mailed to the Coop and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.75-34859 Filed 12-23-75;8:45 am]

[Docket No. ER76-302]

SOUTHERN SERVICES, INC.

Notice of Filing of Amendment To Interchange Agreement

DECEMBER 17, 1975.

Take notice that on November 28, 1975, Southern Services, Inc. on its own behalf and on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, filed an amendment to the interchange agreement among them dated October 16, 1950, as amended. The proposed amendment is requested to be made effective as of January 1, 1976.

In its letter of transmittal, Southern Services states that anual changes are required in the existing interchange agreement so as to reflect the best and most currently available information with regard to the following items:

1. Amount and location of additional generating capacity being provided.
2. Estimates of company and system loads.
3. Basic costs of deficit plants.
4. Revisions in demonstrated capabilities and economies of existing generating units.
5. Variations associated with differences in generating availability.
6. Routine additions and changes in equalization charges for transmission.

The present filing is being made in accordance with above-described policy of updating the interchange agreement on an annual basis. The transmittal letter states that no changes are proposed in the fixed charge rates currently in effect under the existing interchange agreement.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission 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 must file a petition to intervene. Southern Services' filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,

[FR Doc.75-34860 Filed 12-23-75;8:45 am]

[Docket No. E-9145]

UTAH POWER & LIGHT COMPANY

Notice of Filing of Settlement Agreement

DECEMBER 17, 1975.

Take notice that on December 8, 1975, the Utah Power & Light Company (Utah) tendered for filing a sttlement agreement in the above-referenced docket which is intended to resolve all issues in this proceeding, with the exception of a rate design question raised by Lincoln Service Corporation, a jurisdictional customer, which question is currently pending negotiations.

Utah states that copies of the agreement have been sent to all intervenors and other jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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.75-34861 Filed 12-23-75;8:45 am]

[Docket No. ER76-331]

WISCONSIN POWER AND LIGHT COMPANY

Notice of Tariff Change

DECEMBER 17, 1975.

Take notice that Wisconsin Power and Light Company, on December 4, 1975, tendered for filing proposed changes in its W-2 and W-3 Electric Service Tariffs, Wholesale For Resale. The proposed changes would increase revenues from W-2 Customers by $524,537 and from W-3 Customers by $2,598,510 based on the 12-month period ending December 31, 1976.

Wisconsin Power and Light Company states that the proposed rate increase is necessary to meet rising financial and operating costs. The proposed effective date of the rates contained in the filing is January 1, 1976.

Copies of the filing were served upon the public utility's jurisdictional customers, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34862 Filed 12-23-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 8, 1976.
Thursday, January 15, 1976.
Thursday, January 22, 1976.
Thursday, January 29, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

DECEMBER 11, 1975.

[FR Doc.75-34760 Filed 12-23-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 16, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and FMC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before January 12, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request has been submitted for extension no change of the record-retention requirements in Part 373—Study Group Charters by Direct Air Carriers and Study Group Charterers, and Part 378—inclusive Tour Charters. The objectives of these requirements are to (1) ensure that study group charterers and tour operators conduct their programs in accordance with the regulations in Parts 373 and 378 and (2) provide the Board with information concerning the revenue and passenger traffic generated by tour and study group operations. These retention requirements are mandatory under the Federal Aviation Act.

FEDERAL MARITIME COMMISSION

Request for extension without change of the Commission's General Order 18 (46 CFR 537), "Conference Agreement Provisions Relating to Concerted Activities." This rule requires that parties to agreements approved under Section 15 of the Shipping Act, 1916, file with the Commission reports of all meetings of the conference or parties to the agreement. Respondent burden is estimated to be 2 hours per response with total annual responses estimated at 2,000 reports.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-34651 Filed 12-23-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Preparedness Agency

RADIOLOGICAL INCIDENT EMERGENCY RESPONSE PLANNING; FIXED FACILITIES AND TRANSPORTATION

Interagency Responsibilities

This notice is issued by the Federal Preparedness Agency, General Services Administration (GSA), to provide full public information concerning the general course and method by which certain radiological incident emergency response planning responsibilities are channeled and determined (5 USC 552(a)(1)(B)). It supersedes the FEDERAL REGISTER notice of January 24, 1973 (38 FR 2356), published by the Office of Emergency Preparedness.

Purpose. To state the responsibilities as agreed between certain Federal agencies for radiological emergency response planning covering fixed nuclear facilities and transportation incidents involving radioactive materials and for providing coordinated Federal assistance to State and local governments in their emergency response planning related to such incidents. Policy and planning guidance to Federal agencies for assistance to States will be directed toward those incidents whose effects extend beyond the boundaries of the facility or site or the immediate area of an incident involving the transportation of radioactive material. It is intended that the plans and arrangements developed by Federal agencies and by the States for responding to the contingencies set forth in this notice will be encompassed subsequently in Federal and State planning documents which provide for the full spectrum of peacetime nuclear emergencies. It is also intended that this Statement of Responsibilities will provide a continuing stimulus to State and local government emergency planning for responding to radiological incidents.

Background—Formal statement of the roles of the Federal departments and agencies, as set forth in this notice, is made pursuant to Executive Orders 11051 and 11490 and in connection with the responsibility of the Federal Preparedness Agency to stimulate vigorous State and local participation in emergency preparedness measures and in achieving a coordinated working relationship between the various elements of State governments and the Federal agencies to which specific emergency preparedness functions have been assigned. While there is substantial assurance of an exceedingly low probability of incidents involving radioactive materials in fixed nuclear facilities and in the transportation of those materials, the anticipated proliferation of nuclear power plants and materials in the near future requires early consideration of this problem and adequate emergency planning for such contingencies. At the Federal level, several agencies are cooperating to lend assistance to State and local governments in developing emergency plans for fixed nuclear facilities and the transportation of nuclear materials. Current planning activities are taking place at all levels of government, as well as in private industry.

Responsibilities. The Nuclear Regulatory Commission (NRC) is the lead agency in radiological incident emergency response planning, training and other assistance activities covered in this notice. The Federal Preparedness Agency, GSA, exercises general monitorship of these activities. Responsibilities of NRC, the Federal Preparedness Agency, GSA, and other Federal agencies are detailed below.

The Nuclear Regulatory Commission (NRC) is responsible for:

1. Issuance of guidance to other Federal agencies concerning their responsibilities and authorities in radiological incident emergency response planning and in providing planning assistance to State and local governments.

2. Development and promulgation of guidance to State and local governments in coordination with other Federal agencies for the preparation of radiological emergency response plans.

3. Review and concurrence in such plans. (Proper correlation among State, local government, licensee, and national plans is an element of this review.)

4. Determination of the accident potential at each licensed fixed nuclear facility.

5. Issuance of guidance for establishment of effective systems of emergency radiation detection and measurement.

The Environmental Protection Agency (EPA) is responsible for:

1. Establishment of Protection Action Guides (PAG) in coordination with appropriate Federal agencies. These guides will be in terms of projected radiation doses which might result from radiological incidents at fixed nuclear facilities or in the transportation of radioactive materials.

2. Recommendations as to appropriate protective actions which can be taken by governmental authorities to ameliorate the consequences of a radiological incident at a fixed nuclear facility or from an incident involving transportation of radioactive materials.

3. Providing assistance, following the guidance issued by NRC, to State agencies with radiological emergency response responsibilities in the development of their emergency plans relative to nuclear facilities and transportation incidents involving radioactive materials.

4. The establishment of emergency radiation detection and measurement systems guidelines in cooperation with NRC.

The Energy Research and Development Administration (ERDA) is responsible for:

1. Providing guidance, consistent with NRC guidance, to State and local governments on the development of that portion of their radiological incident emergency response planning which is related to ERDA-managed and operated facilities and ERDA-controlled radioactive materials in transit to assure that: (a) State and local planning are coordinated with ERDA and ERDA contractor radiological incident response planning; and (b) State and local response capabilities and resources are fully coordinated with ERDA to mitigate the offsite consequences of radiological incidents.

2. Cooperation with the involved Federal agencies in the development and implementation of radiological emergency response planning assistance for State and local governments, consistent with NRC guidance.

3. Determination of the accident potential at each non-licensed ERDA fixed nuclear facility.

4. Assisting other agencies in the development and establishment of guidelines on effective systems of emergency radiation detection and measurement, including instrumentation, for State and local governments, in cooperation with NRC.

The Department of Health, Education, and Welfare (DHEW) is responsible for:

1. Assisting State health departments, State hospital associations, and other professional organizations and ambulance services in the development of plans for the prevention of adverse effects from exposure to radiation, including the use of prophylactic drugs to reduce radiation dose to specific organs. This includes health and medical care responses to radiological incidents, consistent with guidelines issued by NRC.

2. Issuance of guidance on appropriate planning actions necessary for evaluating and preventing radioactive contamination of foods and animal feeds, and the control and use of such products should they become contaminated.

3. Issuance of guidance on emergency radiation doses related to the health and safety of ambulance services, hospital, and other health care personnel, in cooperation with EPA.

4. Establishing and issuing guidelines for radiation detection and measurement systems for use by ambulance services and hospital emergency departments, in cooperation with NRC.

The Department of Transportation (DOT) is responsible for:

1. Providing guidelines, in cooperation with NRC and other Federal agencies, and consistent with NRC guidance, for the development of that portion of State and local emergency plans pertaining to transportation incidents involving radioactive materials as described in the Purpose portion of this statement.

2. Assistance to State and local governments in emergency planning for such transportation incidents.

The Defense Civil Preparedness Agency (DCPA) is responsible for:

1. Assistance to State and local authorities in planning the emergency preparedness actions required to provide the mechanism for coordinating emergency operations in response to radiological incidents, consistent with NRC guidance.

2. Issuance of guidance on the use of civil defense resources including warning, communications, training, and radiological defense emergency response systems.

Federal Disaster Assistance Administration (FDAA) of the Department of Housing and Urban Development is responsible for:

1. Providing guidance to State and local authorities on the disaster preparedness aspects of State emergency planning for fixed nuclear facilities and transportation incidents involving radioactive materials, consistent with NRC guidance, for the preparation of radiological emergency response plans.

2. Recommendations to NRC as to appropriate planning actions necessary for evaluation and review of State and local planning activities developed under this notice.

The Federal Preparedness Agency (FPA), GSA, will exercise general monitorship of Federal radiological emergency response planning and training activities related to this notice. Specifically, FPA responsibilities include:

1. Review and endorsement of NRC guidance to other Federal agencies and NRC guidance and planning assistance to State and local governments.

2. Assistance in resolving Federal interagency or Federal-State problems when necessary to the fulfillment of the responsibilities to Federal agencies in this notice.

3. Encouragement of States to produce plans related to this notice as part of their general State emergency planning.

4. Assistance to NRC, ERDA and DOT in developing priorities, when required, for providing this planning assistance to State and local governments.

5. Facilitating State and local contracts for NRC, ERDA and DOT.

6. Maintaining an overview of planning activities and providing policy and planning guidance when required.

Participating Federal agencies will support the development and conduct of emergency response preparedness programs, to include training, consistent with their respective responsibilities.

Other Federal agencies will be involved in specific instances of radiological incident emergency response planning participation and assistance in accordance with their basic responsibilities and functions. Details of such participation as part of the coordinated Federal effort will be a development of each localized planning activity.

Dated: December 10, 1975.

LESLIE W. BRAY, Jr.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.75-34638 Filed 12-23-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR RENEWAL PERMITS, ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4197-000, HOBBS BROS. COAL COMPANY, INC., Mine No. 7, Mine ID No. 44 02705 0, Whitewood, Virginia 24657. ICP Permit No. 4197-005—R-3 (Stacy Spinner Loading Machine, I.D. No. S-SB-EH-HB-1), ICP Permit No. 4197-009—R-3 (Goodman 212 Cutting Machine, I.D. No. G-212-HB-2-7).

(2) ICP Docket No. 4225-000, MARY E COAL COMPANY, INC., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Virginia, ICP Permit No. 4225-012—R-3 (Stacy's Spinner Loading Machine, I.D. No. S-SWB-ME-3), ICP Permit No. 4225-013—R-3 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-ME-2), ICP Permit No. 4225-016—R-3 (Royal Cutting Machine, I.D. No. R-ME-1), ICP Permit No. 4225-017—R-3 (Goodman 212 Cutting Machine, I.D. No. G-212-ME-3).

In accordance with the provisions of Section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Acting Chairman, Interim Compliance Panel.

DECEMBER 19, 1975.

[FR Doc.75-34647 Filed 12-23-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

Notice of Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory (SPO) is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group.* Ad Hoc Advisory Committee on the Sacramento Peak Observatory.

2. *Purpose.* The purpose of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory is to review the research activities at SPO. The committee is to examine and assess the scientific priority of SPO research in relation to other Federal support for astronomical research. The results of the assessment will be presented to the Director of the National Science Foundation through the Assistant Director for Atronomical, Atmospheric, Earth, and Ocean Sciences.

3. *Effective Date of Establishment and Duration.* The establishment of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory is effective upon filing of the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Ad Hoc Advisory Committee on the Sacramento Peak Observatory will continue for two months from the effective date.

4. *Membership.* The membership of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory shall be fairly balanced in the terms of the points of view represented and the group's function. Membership of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory will consist of several individuals selected from the scientific and academic communities. The membership will be from the astronomical community and will represent all major geographical areas in the United States.

5. *Advisory Group Operation.* The Ad Hoc Advisory Committee on the Sacramento Peak Observatory will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,
Director.

[FR Doc.75-34850 Filed 12-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529 and STN 50-530]

ARIZONA PUBLIC SERVICE COMPANY, ET AL.

Hearing on Application for Construction Permits

A Notice of Hearing on Application for Construction Permits was published in the FEDERAL REGISTER on October 22, 1974 concerning the application of Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas and Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc. to construct the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (the facilities) at a site in Maricopa County, Arizona, about 15 miles west of Buckeye and 36 miles west of Phoenix (39 F.R. 37528). The Tucson Gas and Electric Company has since withdrawn as a joint applicant and has been replaced by the Southern California Edison Company.

As a result of Southern California Edison Company's replacement of Tucson Gas and Electric Company as a joint applicant, the Atomic Safety and Licensing

Board (Board) on behalf of the Nuclear Regulatory Commission (Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permits for the facilities. This amended notice does not alter or expand the issues set forth in the initial Notice of Hearing for consideration. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by Southern California Edison Company's entrance as a joint applicant the opportunity to participate in this proceeding.

Any person whose interest may be affected by Southern California Edison Company's entrance as a joint applicant and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 24, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a) (1)–(4) and § 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by January 24, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073, attorney for the applicant.

For further details, see Supplement 6 to the applicant's environmental report (covering issues raised by Southern California Edison Company's entrance as a joint applicant), dated October 10, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. A copy of this document is also available at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Thursday, 9 a.m. and 6 p.m. on Friday and Saturday, and 2 p.m. and 6 p.m. on Sunday.

Dated at Bethesda, Maryland this 18th day of December, 1975.

For the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.75-34763 Filed 12-23-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on January 8–10, 1976, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

Thursday, January 8, 1976

8:30 am–9:45 am: Executive Session (Closed)—The Committee will meet in closed executive session to discuss opinions and exchange recommendations of individual members related to the nomination of candidates for appointment to the Committee. The Committee will also discuss the evaluation of the ACRS Subcommittee and the comments and recommendations of individual members and consultants who may be present regarding matters to be considered during the following open meeting to consider proposed design changes for light water reactors to accommodate Anticipated Transients Without Scram (ATWS).

9:45 am–12:45 pm and 1:45 pm–2:45 pm: Anticipated Transients Without Scram—Proposed LWR Plant Changes (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Westinghouse Electric Corp., the General Electric Co., the Babcock & Wilcox Co., and Combustion Engineering, Inc. Portions of this session will be closed as required to discuss proprietary information related to the proposed design changes.

2:45 p.m.–6:30 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to exchange the opinions and recommendations of individual members regarding preparation of final advice to the Nuclear Regulatory Commission with respect to the Koshkonong Nuclear Power Plant, Safeguarding of Special Nuclear Material, the Safety Design Basis for Fast Reactors and Long-Term Storage/Disposal of Radioactive Wastes. The members will also exchange views, opinions and recommendations regarding activities of ACRS Subcommittees on generic matters.

Friday, January 9, 1976

8:30 a.m.–9:30 a.m.: Executive Session (Closed)—The Committee will meet with the Executive Director for Operations to discuss proposed staff policy regarding the design of nuclear plants to preclude sabotage. The Committee will meet with the Director, Nuclear Material Safety and Safeguards, to discuss preliminary results and tentative conclusions of studies to establish NRC policy regarding safeguards for special nuclear material.

9:30 am–1:30 pm: Meeting with NRC Staff (Open)—The Committee will hear presentations by and hold discussions with members of the NRC Staff regarding the anticipated schedule for future ACRS meetings, and recent operating experience and licensing actions. The Staff will also present specific reports regarding several generic matters including:

Use of additives in containment spray systems.

Evaluation of core peaking factors.

Main steam line isolation valve leakage control systems and seismic design of main steam lines.

Status of the high temperature gas cooled reactor program.

Status of the Clinch River breeder reactor review.

2:30 p.m.–6:30 p.m. Executive Session (Closed)—The Committee will meet in closed executive session to exchange the views, opinions and recommendations of

individual members regarding proposed ACRS reports, providing final advice to the Commission, on the status of generic items related to light water reactors, the scope of the ACRS review process and its relationship to the membership needs of the Committee, ACRS comments on proposed plant changes to accommodate ATWS.

Saturday, January 10, 1976

8:30 a.m.–12:30 p.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to exchange the advice, opinions and recommendations of individual members regarding proposed ACRS review of BWR pipe cracking, candidates for appointment to the Committee, proposed Regulatory Guide 1.96, "Design of Main Steam Line Isolation Valve Leakages Control Systems for Boiling Water Reactor Nuclear Power Plants," and to complete preparation of ACRS reports noted earlier.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 31, 1975, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the following Public Document Rooms:

Koshkonong Nuclear Power Plant

1. Dwight-Foster Public Library, P.O. Box 88, Fort Atkinson, WI 53538
2. Municipal Reference Service, Room 103–B, Madison Public Library, Madison, WI 53709

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on January 7, 1976, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 AM and 5:00 PM, Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on January 7, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than plant security information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be required to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after April 9, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: December 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-34921 Filed 12-23-75;10:25 am]

MIXED OXIDE FUEL

Scope, Procedures and Schedule for Generic Environmental Impact Statement and Criteria for Interim Licensing Actions

In FR Doc. 75–30771, appearing at pages 53056–53063 in the issue for Friday, November 14, 1975, corrections are made as follows:

Page 53057, 1st column, line 17: Insert the word "programs" for the sentence to read "* * * as to safeguards programs associated with * * *"

Page 53057, 3rd column, 2nd paragraph: The paragraph should read as follows: "The Appendix to this Notice sets forth, in sequential manner, the projected times for completion of the draft and final environmental impact statements; for publication of safeguards rules relating to interim licensing and rules regarding wide-scale use of mixed oxide fuel; for issuance of notice of hearing; and for the final Commission decision on wide-scale use."

Page 53059, 1st column, 2nd full paragraph, line 5: Delete the comma between "spent" and "fuel".

Page 53059, 1st column, 2nd full paragraph, next to last line: For factual accuracy, insert the phrase "at reduced cost" between "plutonium" and "for" so as to read, ". . . AEC supplied plutonium at reduced cost for demonstration . . ."

Page 53059, 3rd column, 2nd full paragraph, line 16: To assist in clarifying the status of applications for plutonium conversion facilities, the following sentence should be inserted between the sentence ending with the parenthetical expression "* * * Docket No. 70–1729)" and the next sentence beginning "In addition * * *": "Allied-General Nuclear Services also has filed an application for authority to construct and operate at its Barnwell site a facility for conversion of plutonium nitrate to plutonium oxide."

Page 53060, 1st column, last paragraph, line 6: Correct misspelling of the word "Identify."

Page 53060, 2nd column, 2nd full paragraph: For clarification purposes, the first sentence should be revised to read as follows: "The Commission expects to publish proposed safeguards

rules governing interim licensing of plutonium conversion and mixed oxide fuel fabrication activities when the supplement to the draft statement is issued."

Page 53060, 2nd column, paragraph under INTERIM REVIEWS, line 18: Delete the period after the word "fuel."

Page 53060, 2nd column, paragraph under INTERIM REVIEWS, lines 19 through 32: To clarify the status of applications for plutonium conversion facilities, the fourth, fifth and sixth sentences of the paragraph (lines 19 through 32 beginning with "No application has . . ." and ending with ". . . operation before about 1982.") should be revised to read as follows: "Allied-General Nuclear Services has filed an application containing preliminary design information for a plant at Barnwell in which plutonium nitrate would be converted to plutonium oxide. If authorization were granted by the Commission for construction and operation of the plant, it is unlikely that such conversion operations could commence any earlier than mid-1979.* The proposed modified and expanded NFS reprocessing plant, including plutonium and uranium conversion facilities (with estimated reprocessing capacity of about 750 metric tons of spent fuel per year) is still under design and, if authorized, is not expected to be in operation before about 1982."

Page 53060, 2nd column, footnote 3, line 3: For factual accuracy, the parenthetical expression in footnote 3 should be revised to read "(e.g., plutonium oxide rather than nitrate solution)."

Page 53062, 3rd column, line 5: Add the word "value" following the words "high strategic" to read "* * * high strategic value (39 FR 40036) * * *"

Dated this 19th day of December 1975 at Washington, D.C.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-34920 Filed 12-23-75;10:24 am]

[Docket No. PRM-20-6]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Extension of Comment Period

On October 29, 1975 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 50327) a notice that a petition for rule making had been filed with the Commission by the Natural Resources Defense Council, Inc.

The petitioners requested that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. The limits on exposure of individuals to radiation in restricted areas are set out in § 20.101 of 10 CFR Part 20. Limits regarding exposure of minors to radiation in restricted areas are set out in § 20.104 of 10 CFR Part 20.

The petitioners also requested that the Commission institute hearings to determine the "as low as practicable" extent to which the exposures can be maintained below the new regulations proposed by the petitioners. The petitioners stated that the objective of their proposal is to reduce the genetic risk associated with radiation exposure at the occupational exposure level permitted by 10 CFR Part 20 by a factor of 10 and to reduce the somatic risk by a factor of 6.

Interested persons were invited to submit comments on the petition by December 29, 1975. In view of the interest which has been shown on the subject matter of the petition, the Commission is hereby extending the time for filing comments.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send them to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 on or before February 12, 1976.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the above address.

Dated at Washington, D.C. this 22nd day of December, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-34922 Filed 12-23-75;10:24 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

NOTICE OF MEETING

Pursuant to Section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the President's Commission on White House Fellowships will be held on January 23, 1976, in the Civil Service Commission Building, 1900 E Street, NW., Room 5H09, Washington, D.C.

This meeting is scheduled to give the Commissioners opportunity to evaluate and review the Fellowship program. The issues to be discussed will include the educational program, general program evaluation, publicity, Fellowship selection processes, job performance by current Fellows, endowment fund raising, and other Commission matters.

It has been determined by the Chairman of the Civil Service Commission that those portions of the meeting, at which personnel files, confidential character references, selection materials, and lawyer-client papers must be used, fall within the provisions of section 552 (b)(6) of Title 5 and section 552(b)(5) of Title 5, respectively, of the United States Code and will, therefore, be closed to the public. The balance of the meeting will be open to the public.

Questions about the agenda can be directed to (202) 382-4661.

BRUCE H. HASENKAMP,
Director.

DETERMINATION TO CLOSE A MEETING OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS TO THE PUBLIC UNDER SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT, PUBLIC LAW 92-463

Subsection (a)(1) and (a)(3) of section 10 of the Federal Advisory Committee Act, Public Law 92-463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee are to be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and character references which we believe are personnel files exempt from disclosure under 5 USC 552 (b)(6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 USC 552 (b)(6).

Therefore, it is hereby determined that the meetings of the President's Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall within exemption (6) of section 552 (b) of title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, those portions of the meeting dealing with confidential files and character references, to be held on January 23, 1976, shall be closed to the public and the minutes and other papers of the President's Commission on White House Fellowships pertaining to those portions shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman,
Civil Service Commission.

[FR Doc.75-34761 Filed 12-23-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Thursday, January 8, 1976, from 1:30 to 4:45 p.m., in room 450 of the Old Executive Office Building, Washington, D.C.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552(b) (the exceptions to the Freedom of Information Act) will be reviewed and discussed.

More detailed information can be obtained by contacting Paul T. O'Day, Assistant Special Representative for Trade Negotiations, 1800 G Street, room 725, Washington, D.C., 20506.

PAUL T. O'DAY,
Assistant Special Representative for Trade Negotiations.

DECEMBER 22, 1975.

[FR Doc.75-34816 Filed 12-23-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[SR-Amex-75-3]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 17, 1975.

On September 16, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change. Amex amended such filing by Amendment No. 1 submitted on November 17, 1975.

The proposed rule change is to add twenty (20) new option classes to be traded on the Amex, thereby expanding the Amex options program from forty (40) option classes to sixty (60) option classes.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11679, September 25, 1975) and by publication in the FEDERAL REGISTER (40 FR 45879, October 3, 1975).

As a pre-condition to the Commission's approval of the proposed rule change, Amex has adopted certain corrective measures relating to options trading practices and the reporting of options transactions by registered traders. Specifically, Amex has adopted a new regulatory report for the reporting of option transactions by registered traders, instituted a system to spot-check compliance by registered traders with reporting requirements, amended its Rule 958 to require that at least one registered trader be present in the trading crowd when a customer's order is presented by a floor broker for execution, and prepared a circular for distribution to all floor members concerning these new procedures.

Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on September 16, 1975, as thereafter amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34692 Filed 12-23-75;8:45 am]

[SR-CBOE-75-3]

THE CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 17, 1975.

On September 12, 1975, the Chicago Board Options Exchange, Inc., La Salle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to alter the composition of its Board of Directors and to adopt various related procedural amendments.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-11675, September 24, 1975) and by publication in the FEDERAL REGISTER (40 FR 14903, September 30, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on September 12, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34702 Filed 12-23-75;8:45 am]

[File No. 500-1]

GENERICS CORPORATION OF AMERICA

Suspension of Trading

DECEMBER 17, 1975.

The common stock of Generics Corporation of America being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, the 6 percent convertible subordinated debentures due July 1983 and all other securities of Generics Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 18, 1975 through December 27, 1975.

By the Commsision.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34700 Filed 12-23-75;8:45 am]

[Administrative Proceeding File No. 3-4740; File No. 24C-3585]

SABER CORP.

Order Permanently Suspending Exemption and Statement of Reasons Therefor

I

DECEMBER 17, 1975.

Saber Corporation ("Saber"), 7324—36th Avenue, North Minneapolis, Minnesota 55427, a Minnesota Corporation, filed with the Commisison on April 11, 1973, a notification, offering circular and supporting exhibits relating to a proposed offering of 500,000 shares of common stock, 10-cents par value, at 50-cents per share, for an aggregate offering of $250,000. The purpose of the filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to Section 3(b) thereof and Regulation A promulgated thereunder. The officers of the Issuer acted as underwriters without commission. The offering commenced on July 5, 1973, and was completed on October 31, 1973.

II

On October 7, 1975 (notice having been given on October 20, 1975), the Commission temporarily suspended the Regulation A exemption of Saber Corporation, stating it had reasonable cause to believe that:

A. The offering circular filed by Saber contained untrue statements of material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose that Saber was in default under its contract of purchase for the Breeze Campground;

2. The failure to disclose that no title other than a 10-year lease could be obtained from the State of Minnesota for 1200 feet of shoreline property;

3. The failure to disclose the existence of a $20,000 loan from the American National Bank of St. Paul, Minnesota, to Saber; and

4. The filing of an application with the Minnesota Department of Health for a permit to operate one of its campgrounds.

B. The terms and conditions of Regulation A have not been met in the following respects: The offering circular was not amended to disclose the default on

the Breeze Campground contract of purchase; and to disclose the $20,000 loan to the Issuer.

C. The offer was made in violation of Section 17 of the Securities Act of 1933, as amended.

III

No hearing having been requested by Saber Corporation within thirty days after the entry of an order temporarily suspending its exemption under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of Saber Corporation under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Saber Corporation be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34701 Filed 12-23-75;8:45 am]

[Release No. 34-11938; File No. SR-OCC-1975-6]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations

In the Matter of Proposed Rule Change By The Options Clearing Corporation.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed Rule 916 and the proposed amendments to Rules 602(c) and 610(j) make it clear that if settlement in respect of an exercised option contract is to be made through a correspondent clearing corporation, margin and other deposits held by OCC in respect of the exercised contract may not be withdrawn by the depositing Clearing Member until the Clearing Member has satisfied its obligations to the correspondent clearing corporation on the exercise settlement date. If the Clearing Member fails to meet those obligations and its Exercise Settlement Account with the correspondent clearing corporation is closed out, proposed Rule 916 would expressly permit OCC to apply such margin and other deposits against any loss incurred by the correspondent clearing corporation by reason of the close-out.

The proposed amendment to Rule 1106(d) expressely sets forth the procedure which OCC will follow with respect to open short positions covered by specific or escrow deposits in accounts of suspended Clearing Members.

The proposed amendments to Rules 610(k), 610(l) and 804 clarify ambiguities in the current text of those Rules. In addition, the proposed amendment to Rule 610(l) would provide a procedure for allocating assignments to particular short positions covered by specific and escrow deposits in cases in which a Clearing Member is suspended and OCC is unable to determine the particular customer or non-customer to whom the assignment was allocated by the Clearing Member under Rule 804.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The proposed rule changes filed herewith are intended to clarify the provisions of the Rules of OCC with respect to specific and escrow deposits and the withdrawal of margin deposited in respect of exercised option contracts.

Specifically, proposed Rule 916 and the proposed amendments to Rule 602 (c) and 610(j) make it clear that if settlement in respect of an exercised option contract is to be made through a correspondent clearing corporation, margin and other deposits held by OCC in respect of the exercised contract may not be withdrawn by the depositing Clearing Member until the Clearing Member has satisfied its obligations to the correspondent clearing corporation on the exercise settlement date. If the Clearing Member fails to meet those obligations and its Exercise Settlement Account with the correspondent clearing corporation is closed out, proposed Rule 916 would expressly permit OCC to apply such margin and other deposits against any loss incurred by the correspondent clearing corporation by reason of the close-out.

The proposed amendment to Rule 1106(d) expressly sets forth the procedure which OCC will follow with respect to open short positions covered by specific or escrow deposits in accounts of suspended Clearing Members.

The proposed amendments to Rules 610(k), 610(l) and 804 clarify ambiguities in the current text of those Rules. In addition, the proposed amendment to Rule 610(l) would provide a procedure for allocating assignments to particular short positions covered by specific and escrow deposits in cases in which a Clearing Member is suspended and OCC is unable to determine the particular customer or non-customer to whom the assignment was allocated by the Clearing Member under Rule 804.

The proposed rule changes filed herewith would enhance the ability of OCC to facilitate the prompt and accurate clearance and settlement of securities transactions and to carry out the purposes of Section 17A of the Securities Exchange Act of 1934, as amended, and would serve the public interest generally, by clarifying the Rules of OCC with respect to specific and escrow deposits and by providing additional margin protection for OCC in the circumstances covered by proposed Rule 916 and by the proposed amendment to Rule 610(l).

Comments were neither solicited nor received with respect to the proposed amendments to Rules 602(c), 610(j), 610(k), 610(l), 804, 916 and 1106(d).

OCC does not believe that the proposed amendments to Rules 602(c), 610(j), 610(k), 610(l), 804, 916 and 1106(d) would impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and agreements concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 18, 1975.

EXHIBIT 1a

TEXT OF PROPOSED RULE CHANGES

Margins on Exercised Contracts

RULE 602. (a) [No Change]

(b) [No Change]

(c) A Clearing Member shall be entitled to reimbursement of margin deposited in respect of exercised option contracts under Rule 601 or this Rule 602 upon presentation to the Corporation of Satisfactory evidence, in such form as the Corporation may prescribe, of the delivery of the underlying security and payment in full therefor; provided, however, that if settlement in respect of an exercised contract is made through the facilities of a correspondent clearing corporation pursuant to Rule 913, a Clearing Member shall be entitled to reimbursement of margin deposited in respect thereof (*subject to the provisions of Rule 916*) from and after the opening of business of the Corporation on the business day following the date on which settlement is so made.

(d) [No Change]

The amendment is of Rule 602(c) as proposed to be amended in File No. SR-OCC-1975-4.

Deposit of Underlying Security

RULE 610. (a) through (i) [No change]

(j) *Subject to the provisions of Rule 916,* a depository receipt or escrow receipt may be withdrawn by a Clearing Member between 10:00 A.M. and 1:00 P.M. Central Time (11:00 A.M. and 2:00 P.M. Eastern Time) each business day with authorization by the Corporation so long as the conditions of this *Chapter* [Article] VI are met; provided, however, that the Corporation may continue to hold a depository receipt or escrow receipt for a reasonable period following the expiration date of the option contracts involved in order to assure that all obligations arising from the assignment of exercise notices have been performed. A Clearing Member requesting such withdrawal shall submit a withdrawal request in such form as the Corporation shall prescribe.

(k) In the event any short position in a call option contract for which a specific deposit or an escrow deposit has been made is closed out by a closing purchase transaction *or transferred to an account of another Clearing Member, or in the event that settlement is made in respect of an exercise notice assigned to such position, and the depository receipt or escrow receipt evidencing such deposit has not previously been withdrawn in accordance with subparagraph (1) hereof,* the Clearing Member making such deposit shall promptly request the withdrawal of the depository receipt or escrow receipt evidencing such deposit, but *unless and until such depository receipt or escrow receipt is withdrawn,* [the failure of such Clearing Member to request a withdrawal shall not affect the right of] the Corporation *shall be entitled* to demand the delivery of the underlying securities upon the assignment of an exercise notice *in respect of any option contract of the same series and included in a short position in the same account as the one for which the deposit was made* [in respect of such option contract so at any time while it holds the depository receipt or escrow receipt].

(l) If *the assignment of* an exercise notice [is assigned] to a [call option contract included in a] short position of a Clearing Member *is allocated to an option contract included in such short position for which no specific deposit or escrow deposit has been made,* no [escrow] such deposit may thereafter be made in respect of such contract. If *the assignment is allocated to an option contract for which a specific deposit or escrow* deposit has previously been made, [an escrow deposit shall previously have been made in respect of such contract and the deposited securities are to be delivered pursuant to such assignment,] the Clearing Member shall [be obliged to] deposit with the Corporation, no later than 9:00 A.M. Central Time (10:00 A.M. Eastern Time) on the [second] business day following the *date of the assignment,* [day when the exercise notice was assigned], margin in *an amount sufficient to permit the withdrawal of the depository receipt or escrow receipt filed in respect of such contract, and shall promptly thereafter effect such withdrawal. In the event the Clearing Member fails to deposit margin in accordance with the preceding sentence, and is thereafter suspended by the Corporation, the Corporation shall be entitled to presume that the assignment was allocated to an option contract for which no specific deposit or escrow deposit had been made, unless the Corporation has notice to the contrary and has been advised of the type of deposit (specific or escrow) made in respect of the option contract to which the assignment was allocated, and, in the case of escrow deposits, the serial number of the escrow receipt or the identity of the customer. If the assignment was for a number of contracts exceeding the number of contracts included in the short position to which the exercise notice was assigned for which no specific or escrow deposit had been made, the Corporation shall be entitled (unless the Corporation has notice that the assignment has been allocated to particular option contracts, identified as to type of deposit, and, in the case of escrow deposits, by the serial number of the escrow receipt or the identity of the customer) to allocate such assignment, to the extent of such excess, to particular option contracts for which specific deposits and escrow deposits have been made. Such allocation shall be made by random selection or another allocation method which the Corporation deems fair and equitable in the circumstances.* [respect of such contract computed in accordance with Rule 602. When such margin is deposited, the Corporation will release and return the escrow receipt previously filed in respect of such contract.]

Assignment of Exercise Notices to Customers

RULE 804. Each Clearing Member shall establish fixed procedures for the allocation of exercise notices assigned in respect of [a] short positions in the Clearing Member's [customers'] accounts to *specific option contracts included in such short positions.* The allocation shall be on a "first in, first out" basis, on a basis of random selection, or another allocation method that is fair and equitable to the *persons for whom such accounts are maintained* [Clearing Member's customers] and consistent with Exchange Rules.

Default by Clearing Member

RULE 916. *Anything else in these Rules to the contrary notwithstanding, if a correspondent clearing corporation shall notify the Corporation that a Clearing Member has defaulted in the performance of its obligations to the correspondent clearing corporation, the Clearing Member shall not, until the Corporation is notified by the correspondent clearing corporation that the default has been cured, be entitled to withdraw from the Corporation any margin or any depository or escrow receipts held by the Corporation in respect of exercised call option contracts for which settlement was made through the correspondent clearing corporation on the date of the default. If, following any such default, the correspondent clearing corporation shall close out the positions in the Clearing Member's Exercise Settlement Account, the Corporation shall be entitled to obtain delivery of any securities held pursuant to any such depository or escrow receipts, to sell the securities so obtained, and to apply the net proceeds of such sale, together with any margin held in respect of such exercised call option contracts, against the Clearing Member's obligations to the correspondent clearing corporation. If the sum of such proceeds and such margin shall exceed the amount of the Clearing Member's obligations to the correspondent clearing corporation, the excess shall be credited to the account of the Clearing Member with the Corporation; provided, however, that if the Clearing Member shall have been suspended by the Corporation, the excess shall be credited to the Liquidating Settlement Account established for the Clearing Member pursuant to Rule 1104.*

Open Positions

RULE 1106. (a) through (c) [No change]

(d) *Short Positions.* [Add at end of Rule] Notwithstanding the foregoing, open short positions in respect of which specific or escrow deposits have been made shall be maintained by the Corporation. The Corporation shall promptly use its best efforts to identify each person having such a short position, to transfer each such short position and the interest of the suspended Clearing Member in the specific or escrow deposit made in respect thereof to another Clearing Member, and to notify each such person of such transfer. If, prior to such transfer, any such short position shall expire, the Corporation shall, subject to the provisions of Rule 610(j), release any depository receipt or escrow receipt held by the Corporation in respect thereof to the suspended Clearing Member or its representative. If, prior to such transfer, an exercise notice shall be assigned to any such short position, the Corporation shall obtain delivery of the underlying securities required to be delivered pursuant thereto from the custodian of such securities, and shall make delivery thereof to the exercising Clearing Member for the account of the suspended Clearing Member. If the assignment is for a number of contracts which is less than the number of contracts included in such short position, the Corporation shall allocate the assignment to particular contracts by random selection or another allocation method which the Corporation deems fair and equitable in the circumstances.

If, prior to such transfer, the suspended Clearing Member or its representative shall instruct the Corporation to close any such short position and shall furnish such security as the Corporation may require to secure payment of the premium for the closing purchase transaction, the Corporation shall cause such short position to be closed, and any depository receipt or escrow receipt held by the Corporation in respect thereof shall be released by the Corporation to the suspended Clearing Member or its representative. The Corporation may, in its discretion, postpone acceptance of any close-out instruction tendered for the account of a suspended Clearing Member pending receipt of satisfactory evidence of the authority of the person tendering such instruction.

[FR Doc.75-34854 Filed 12-23-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1201]

MASSACHUSETTS

Declaration of Disaster Area

The City of Marlborough in Middlesex County, Massachusetts, constitute a disaster area because of damage resulting from a fire on December 7, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 13, 1976, and for economic injury until the close of business on September 15, 1976, at:

Small Business Administration, District Office, 150 Causeway Street, Boston, Massachusetts 02114.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34693 Filed 12-23-75;8:45 am]

[Declaration of Disaster Loan Area #1198]

NORTH CAROLINA

Declaration of Disaster Area

Buncombe, and adjacent counties within the State of North Carolina constitute a disaster area because of damage resulting from flash flooding and heavy rains which occurred September 23, 1975. Eligible persons, firms and organizations

may file applications for loans for physical damage until the close of business on February 13, 1976, and for economic injury until the close of business on September 15, 1976, at:

Small Business Administration, District Office, 230 South Tryon Street, Suite 700, Charlotte, North Carolina 28202.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34694 Filed 12-23-75;8:45 am]

[Declaration of Disaster Loan Area #1199]

OKLAHOMA

Declaration of Disaster Area

As a result of the President's declaration I find that Latimer, Tulsa, and adjacent counties within the State of Oklahoma constitute a disaster area because of damage resulting from severe storms and tornadoes occurring on December 5, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 9, 1976, and for economic injury until the close of business on September 13, 1974, at:

Small Business Administration, District Office, 50 Penn Place, Suite 840, Oklahoma City, Oklahoma 73118.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34695 Filed 12-23-75;8:45 am]

[Application No. 05/05-5109]

S. C. OPPORTUNITIES, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by S. C. Opportunities, Inc. (Applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1975).

The officers and directors of the applicant are as follows:

Raymond R. Kubly, Jr., 621 14th Avenue, Monroe, Wisconsin 53566, President, Treasurer, Director.

Robert J. Soderholm, 2035 26th Street, Monroe, Wisconsin 53566, Vice President, Director.

Robert L. Ableman, 1916 25th Street, Monroe, Wisconsin 53566, Vice President, Secretary, General Manager, Director.

Michael C. Kubly, 2727 Hackett Avenue, Milwaukee, Wisconsin 53211, Director.

The applicant will maintain its principal place of business at 1112 Seventh Street, Monroe, Wisconsin 53566.

It will begin operations with $300,000 of private capital derived from the sale of 300 share sof common stock of which 40 percent has been purchased by Raymond R. Kubly, Jr., another 40 percent acquired by Michael C. Kubly, and the remaining shares purchased by Messrs. Robert J. Soderholm and Robert L. Ableman, each acquiring 10 percent of applicant's stock.

Messrs. Raymond R. and Michael C. Kubly are principal beneficial owners of Swiss Colony Stores, Inc., franchisor of Swiss Colony retail stores engaged in merchandising cheeses, sausages, pastries and gifts.

Although the applicant is primarily interested in financing small business concerns that have obtained or will obtain Swiss Colony franchises, any small business with or without such a franchise, is eligible for assistance from the applicant.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered by social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than January 8, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Monroe, Wisconsin.

(Catalog of Federal Domestic Assistance Program Number 59,011, Small Business Investment Companies)

Dated: December 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-34696 Filed 12-23-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY & HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety & Health, established under section 107 (e)(1) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety & Health Act of 1970 (29 U.S.C. 655), will meet on Wednesday, January 21 and Thursday, January 22, 1976, starting at 9:00 a.m., in Room N-3437 A-D, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting is open to the public.

The Committee will discuss revisions to the asbestos rules with OSHA health standards and construction standards personnel with reference to alternative administrative and engineering controls, medical surveillance, and medical and monitoring record procedures, as well as other problems of application and responsibility.

On October 9, 1975, the Occupational Safety and Health Administration (OSHA) published a proposal in the FEDERAL REGISTER (40 FR 47652) which would amend the existing rules on occupational exposure to asbestos.

Following is the statement with reference to construction which was published with the proposed asbestos revisions:

A. Scope and Application. The standard, as revised, would continue to apply to all workplaces where occupational exposure to asbestos is present, but would exclude the construction industry.

"It is OSHA's intention to develop and propose a separate revision to the existing asbestos standard for the construction industry. Approximately three-fourths of all asbestos products in 1972 were used in the construction industry. In addition, the uniqueness of the construction industry itself (viz., the multiplicity of non-fixed workplaces, and the utilization of highly transient workforces) strongly suggests separate treatment. These structural differences were reflected in the 17–18 September 1975 deliberations of the OSHA Advisory Committee on Construction Safety and Health.

"Although OSHA believes that health hazards faced by employees in the construction industry with regard to occupational exposure to asbestos are similar to those faced by their counterparts in other covered employments, OSHA recognizes that alternative administrative and engineering controls may be more appropriate and feasible for the construction industry. Therefore, OSHA intends to consult with the Construction Advisory Committee in order to further explore such alternatives. Upon publication of the proposal to revise the existing asbestos standard for the construction industry, OSHA will consider the possibility of consolidated hearings on that proposal and the proposal contained herein for all other covered employments.

"OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for medical and monitoring records, may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment or use workforces which are highly transient in nature. This awareness has been expressed by the Department of Labor in a statement submitted to the House

Subcommittee on Environmental Problems Affecting Small Business of 26 June 1975, as follows:

It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have requested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law.

"Although it is clear that OSHA's first and prime responsibility is to assure employees safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

"In addition, the Act explicitly takes cognizance of its impact upon affected small business, specifically with respect to any recordkeeping requirements which are imposed. Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various information gathering requirements.

"While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time would minimize the administrative and economic burden on affected employers-especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces."

In addition the Roll Over Protective Structures Subgroup will submit a progress report on their meeting.

Persons wishing to orally address the group at the meeting should submit a written request to be heard to the Committee Management Officer no later than January 13, 1976. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. Such participation will be at the discretion of the chairman, time permitting.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Commitee Management Officer by January 13, 1976. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the group and will be included in the record of the meeting.

Communications may be mailed to: Jay Arnoldus, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N-3633, Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34719 Filed 12-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 938]

ASSIGNMENT OF HEARINGS

DECEMBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 2—Sub-5, Louisville And Nashville Railroad Co. Abandonment Between Colesburg and Hohenwald, in Dickson, Hichman and Lewis Counties, Tennessee, now assigned January 14, 1976, at Nashville, Tennessee, will be held in Room A-761, Federal Courthouse Bldg. Annex, 8th and Broad Street.

MC 127834 Sub-107, Cherokee Hauling & Rigging, Inc., now assigned January 19, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Bldg., 167 North Main Street.

MC 113495 Sub-70, Gregory Heavy Haulers, Inc., now assigned January 20, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Building, 167 North Main Street.

MC 100666 Sub-299, Melton Truck Lines, Inc., now assigned January 21, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Building, 167 North Main Street.

MC 2900 Sub 267, Ryder Truck Lines, Inc., and MC 115841 Sub 495, Colonial Refrigerated Transportation, Inc., now being assigned February 19, 1976 (2 days), at Buffalo, N.Y.; in a hearing room to be later designated.

MC 134401 Sub 11, Sherwood W. Hume, DBA Hume Equipment Company, now being assigned February 23, 1976 (2 days), at Buffalo, N.Y.; in a hearing room to be later designated.

MC 123744 Sub 20, Butler Trucking Company, now being assigned February 25, 1976 (3 days), at Buffalo, N.Y.; in a hearing room to be later designated.

W-C-25, Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-26, A. & O. Barge Line, Inc.—Investigation And Revocation of Certificates, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-23, KgW Towing Company, Inc.—Investigation And Revocation of Certificates, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-27, Igert—Investigation And Revocation of Certificate, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

MC 141009, MC Clenton Transportation Corp., now assigned January 19, 1976, Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Streeet.

MC 141112, Burwell Ray Gallop, d.b.a. Gallop Bus Lines, now assigned January 26, 1976, at Norfolk, Va., will be held on Third Floor, Post Office and Court House, 600 Cranby Street.

MC 134142 Sub 9, Brown Refrigerated Express, Inc., now assigned January 16, 1976, at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 118202 Sub 50, Schultz Transit, Inc., now assigned January 15, 1976, at St. Paul, Minn., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34729 Filed 12-23-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 19, 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 January 8, 1976.

FSA No. 43093—*Beet or Cane Sugar from points in Arizona and California.* Filed by Trans-Continental Freight Bureau Agent (No. 497), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Arizona and California, to points in Illinois, Iowa, Minnesota, Missouri, Oklahoma, Texas, and Wisconsin.

Grounds for relief—Returned shipments and rate relationship.

Tariff—Supplement 21 to Trans-Continental Freight Bureau, Agent, tariff 2-M, ICC 1914. Rates are published to become effective on January 15, 1976.

FSA No. 43094—*Insulating Material from Fruita, Colorado.* Filed by Western Trunk Line Committee, Agent, (No. A-2721), for interested rail carriers. Rates on insulating material, viz.: calcium silicate and fibre combined, in carloads, as described in the application, from Fruita, Colorado, to points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 56 to Western Trunk Line Committee, Agent, tariff 134-R, ICC A-4949. Rates are published to become effective on January 25, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34730 Fileed 12-23-75;8:45 am]

[Notice No. #146]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 13, 1976. 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-76231. By order of December 18, 1975 the Motor Carrier Board approved the transfer to New Trucking, Inc., Stearns, Kentucky, of Certificate No. MC-138614 Sub-1, issued April 26, 1974, to Frank New, D/B/A New Trucking, Stearns, Kentucky, authorizing the transportation of tents and other commodities from and to specified points. William P. Whitney, Jr. 703 McClure Building, Frankfort, Kentucky, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34731 Filed 12-23-75;8:45 am]

[Notice No. 102]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 19, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2368 (Sub-No. 52), filed November 21, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and animal and vegetable oil products, by-products and blends thereof*, in bulk, in tank vehicles, from points in Illinois, Indiana, New York, New Jersey, North Carolina, Ohio and Tennessee, to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 2780 (Sub-No. 7), filed November 20, 1975. Applicant: HORN'S MOTOR EXPRESS, INC., 2020 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), serving the facility of Hadco Products, Inc., located at Hanover, Pa., as an off-route point in connection with carrier's presently authorized regular route operations, between Harrisburg, Pa., and Baltimore, Md.: From Harrisburg over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., and thence over U.S. Highway 140 to Baltimore, Md., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 4405 (Sub-No. 524), filed November 21, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plantsite of FMC Corporation, Crane and Excavator Division, located at or near Bowling Green, Ky., to points in the United States (except Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Indiana, Kentucky, Michigan, Mississippi, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia and West Virginia); and (2) *materials, equipment and supplies*, used or useful in the manufacture of the above named commodities (except commodities in bulk), from points in the United States (except those states named in (1) above), to the plantsite of FMC Corporation, Crane and Excavator Division, located at or near Bowling Green, Ky.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 4810 (Sub-No. 3), filed October 28, 1975. Applicant: ROCKY MOUNTAIN TRUCKING COMPANY, a Corporation, P.O. Box 2131, Casper, Wyo. 82601. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturer, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in North Dakota, Nebraska, and those in that part of South Dakota west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Montana, Wyoming, and Colorado.

NOTE.—This application is for the purpose of eliminating gateways and permitting a continuation of service performed by Applicant via gateways prior to the restriction against such service contained in Ex Parte 55 (Sub-No. 8). Applicant inadvertently neglected to file the required letter notices. If a hearing is deemed necessary, the applicant requests it be held at Casper, Wyo., or Denver, Colo.

No. MC 19945 (Sub-No. 54), filed November 20, 1975. Applicant: BEHNKEN TRUCK SERVICE, INC., Route #13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above, (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill. and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 31389 (Sub-No. 208), filed November 24, 1975. Applicant: MCLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Serving Mansfield, Ga., as an off-route point in conjunction with applicant's regular route operation to and from Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 42011 (Sub-No. 19), filed November 12, 1975. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers*, and *parts and accessories*, for cooling towers and fluid coolers; and (2) *materials, equipment and supplies*, used in the manufacture, sale and distribution of the commodities described in (1) above (except commodities in bulk), between Houston, Tex., and Tulsa, Okla., on the one hand, and, on the other points in Alabama, Arkansas Colorado Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico North Dakota, Oklahoma, Tennessee, Texas, Utah, Wisconsin and Wyoming, restricted to shipments originating at or destined to the facilities of Ecodyne Cooling Products Division, at Houston, Tex., and Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 52858 (Sub-No. 114), filed November 20, 1975. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks* weighing less than 15,000 pounds in truckaway service in secondary movements, between points in Colorado, on the one hand, and, on the other, points in Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Portland, Oreg.

No. MC 56244 (Sub-No. 42), filed Nov. 24, 1975. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R. D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses* (except commodities in bulk and frozen foods), from the facilities of Knouse Foods, Inc., located in Adams and Franklin Counties, Pa., to New York, N.Y.; Baltimore, Md.; points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and points in that part of West Virginia on and north of U.S. Highway 50, restricted to the transportation of shipments originating at the above-named facilities and destined to the above-described destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 58549 (Sub-No. 21) (Correction), filed November 5, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, and republished as corrected this issue. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 1534 Granby Street, N.E., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Jerry D. Beard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) over regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over U.S. Highway 220 to Monterey, Va. and return over the same route, serving all intermediate points; (2) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over Virginia Highway 39 to junction Secondary Route 600 at or near Mountain Grove, Va., thence over Secondary Route 600 to junction Virginia Highway 84, thence over Virginia Highway 84 to junction U.S. Highway 220 at or near Vanderpool, Va., thence over U.S. Highway 220 to Monterey, Va. and return over the same routes, serving all intermediate points; (3) Between the junction of Virginia Highway 8 and 57 and Bassett, Va.: From junction Virginia Highways 8 and 57 over Virginia Highway 57 to Bassett, Va. and return over the same route, serving no intermediate points; (4) Between the junction of Virginia Highways 8 and 40 and Bassett, Va.: From junction Virginia Highways 8 and 40 over Virginia Highway 40 to junction Secondary Route 704, thence over Secondary Route 704 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va., and return over the same routes, serving no intermediate points; (5) Between the junction of Virginia Highway 8 and Secondary Highway 618 and Bassett, Va.: From junction Virginia Highway 8 and Secondary Highway 618 over Secondary Highway 618 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points.

NOTE.—Applicant indicates that the authority specified in paragraphs (3), (4) and (5) above will be used in connection with its

existing authority in Sub-No. 11 at Bassett, Va. and Sub-No. 20 at points on Virginia Highway 8.

(B) over *irregular routes, general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Roanoke, Va., on the one hand, and, on the other, points in Botetourt County, Va.; and (2) Between Roanoke, Va., on the one hand, and, on the other, points in Rockbridge County, Va. on and west of a line extending from the Amherst-Rockbridge County line along U.S. Highway 60 to its intersection with Virginia Highway 39 at or near Lexington, Va., thence along Virginia Highway 39 to its intersection with Secondary Route 780, thence along Secondary Route 780 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Rockbridge-Allegany County line, restricted in (2)above against service at Goshen, Va.

NOTE.—Applicant states that the irregular routh authority sought herein will be tacked at Roanoke, Va. with its regular route authority in MC 58549 Sub-No. 11 to provide service on general commodities between points in Botetourt County, Va. and the designated area of Rockbridge County, Va. as described in (B)(2) above, on the one hand, and, on the other, points along applicant's regular routes between Roanoke, Va. and (a) Martinsville, Va., (b) Lexington, Va., (c) Warm Springs, Va., (d) Paint Bank, Va., (e) Independence, Va., and several connecting routes. A copy of applicant's existing authority in MC 58549 (Sub-No. 11) may be viewed in this public docket at the Offices of the Secretary, Interstate Commerce Commission, Washington, D.C. If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C. The purpose of this republication is to clarify the tacking portion of applicant's request for authority.

No. MC 72069 (Sub-No. 7), filed October 28, 1975, published in the FEDERAL REGISTER of December 11, 1975, and republished this issue. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell and Norfolk, Va., to Laurel, Del., points in Dorchester County, Md., and points in Kent County, Del.

Note.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 75320 (Sub-No. 184), filed Nov. 24, 1975. Applicant: CAMPBELL SIXTI-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facilities of Amoco Chemicals Corporation, located at or near Chocolate Bayou (Alvin), Tex., as an off-route point in connection with carriers authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103066 (Sub-No. 30), filed November 20, 1975. Applicant: STONE TRUCKING CO., P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, 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, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company, at or near Cactus (Moore County), Tex., to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105045 (Sub-No. 60), filed November 20, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plant site and other facilities of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Minnesota, North Carolina, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, and Vermont and (2) *materials, equipment, and supplies* used or useful in the manufacture of the above-named commodities (except commodities in bulk), from points in the United States (except Alaska, Arkansas, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming), to the plant site of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 107515 (Sub-No. 997), filed November 20, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail food chains and grocery houses* (except in bulk), from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Norfolk, Va.; Atlanta and Thomasville, Ga.; Columbia, S.C.; and Raleigh, N.C., and points in their Commercial Zones, restricted to the transportation of traffic originating at the named origins and destined to the warehouse or other facilities utilized by Colonial Stores, Inc., at the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108119 (Sub-No. 46), filed November 20, 1975. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers*, for air, gas or liquids; *machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 108341 (Sub-No. 40), filed November 26, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment and *commodities*, which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, (1) from the facilities of Koppers Company, Inc., at or near Baltimore, Glen Arm and Harmans, Md., Cranford, N.J., Mausry, Ohio, and Muncy and York, Pa. and (2) from the facilities of van Huffel Tube Corp. at

or near Warren, Ohio, to points in Florida, Georgia, North Carolina, South Carolina, Virginia, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 126), filed November 17, 1975. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. Douglas Harris, 1406 Union Bank Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, in bulk, in tank vehicles, between points in Dade County, Fla., on the one hand, and, on the other, points in New Jersey, New York and Connecticut.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla., or Montgomery, Ala.

No. MC 111274 (Sub-No. 7), filed November 12, 1975. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac Lane, East Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and farm buildings, and equipment, materials and supplies*, used or useful in the installation or erection thereof, (1) from Winfield, Kans., to points in Illinois, Indiana, Ohio, Wisconsin, Iowa, Missouri, Kentucky and Michigan; and (2) from Kenton, Ohio, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kentucky, Michigan and Kansas, under a continuing contract with Morton Buildings, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 113855 (Sub-No. 334), filed Nov. 17, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and attachments, accessories, and parts*, for street sweeping machines, from Wake Forest, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 114045 (Sub-No. 427), filed Nov. 21, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, tape, cellulose film products and dispensers and display racks therefor*, from Gloucester, Mass., to points in Texas and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114486 (Sub-No. 33), filed November 24, 1975. Applicant: AUTREY F. JAMES, doing business as, A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, and fittings* therefor, from Texarkana, Tex., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Minnesota, North Carolina, South Carolina, and Virginia, (2) *compounds*, that are manufactured and distributed by clay manufacturers, from Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia, (3) *clay and materials and supplies*, used in the manufacture of compounds produced and distributed by clay manufacturers, from Moundsville and New Martinsville, W. Va., to Texarkana, Tex., and (4) *silcia sand*, from Elco, Ill., to Texarkana, Tex., under a continuing contract with W. S. Dickey Clay Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Kansas City, Mo.

No. MC 114608 (Sub-No. 30), filed November 20, 1975. Applicant: CAPITAL EXPRESS, INC., 5635 Clay, Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and parts therefor*, when moving in the same vehicle, from Columbus and Mansfield, Ohio, to Greenville, Muskegon, Grand Rapids and Holland, Mich., under contract with Gibson Products Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 115496 (Sub-No. 37), (Amendment), filed September 22, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, and republished as amended this issue. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Union Camp Corporation, located at Folkston, Higgston and Meldrim, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and Shelby County, Tenn.

NOTE.—The purpose of this republication is to indicate the additional request for service to points in West Virginia.

No. MC 115496 (Sub-No. 39), filed November 14, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Wood Products Division of Georgia Kraft Company, at or near Greenville (Meriwether County), Ga., to points in Alabama, Delaware, Indiana, Maryland, Mississippi, Ohio, Pennsylvania, New Jersey, North Carolina, South Carolina, Virginia, West Virginia, and points in Shelby County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Columbus, Ga.

No. MC 116915 (Sub-No. 18) (Clarification), filed August 6, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as clarified this issue. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: John P. Kane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value), between points in Illinois, Indiana, Kentucky and Tennessee, restricted to the transportation of traffic having a prior or subsequent movement by rail or water carrier.

NOTE.—The purpose of this republication is to clarify the request for authority by more appropriately wording the proposed restriction. If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 119726 (Sub-No. 65), filed November 7, 1975. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, P.O. Box 21006, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street—Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons*, other than corrugated, from the facilities of the Weyerhaeuser Company located at or near Seymour, Ind., to points in Ohio, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119726 (Sub-No. 66), filed November 7, 1975. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, P.O. Box 21006, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street—Suite 1000, Indianapolis, Ind. 46202. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cartons*, from the facilities of the Weyerhaeuser Company located at or near Omaha, Nebr., to Logansport, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119774 (Sub-No. 86), filed November 21, 1975. Applicant: EAGLE TRUCKING COMPANY, a Corporation, 301 East Maine Street, P.O. Box 471, Dilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit*, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities used in the installation of plastic pipe and plastic conduit, (except commodities as described in *Mercer Extension-Oilfield Commodities, 74 M. C.C. 459*, from Columbia, Mo., to points in the United States in and east of Colorado, Montana, New Mexico, and Wyoming, restricted to traffic originating at the plant site and storage facilities of the Clow Corporation at or near Columbia, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 121449 (Sub-No. 2), filed November 17, 1975. Applicant: CARGO CARRIERS, INC., 2903 Lynwood Road, Lynwood, Calif. 90262. Applicant's representative: Joan L. Sickles (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, malt beverages and brandy*, between points in California and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia, under a continuing contract or contracts with Parrott & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 124070 (Sub-No. 33), filed November 21, 1975. Applicant: CHEMICAL HAULERS, INC., 7300 College Drive, Palos Heights, Ill. 60463. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and warehouse facilities of Economics Laboratory, Inc., located at Joliet, Ill., to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124887 (Sub-No. 16), filed September 15, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to Montgomery, Ala., and Cedar Springs and Savannah, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Tallahassee, Fla.

No. MC 124887 (Sub-No. 19), filed November 12, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and commodities* used in connection with the distribution and installation of gypsum products, when moving in the same vehicle, and at the same time as gypsum products, from Savannah, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 124964 (Sub-No. 25), filed November 20, 1975. Applicant: JOSEPH M. BOOTH, doing business as, J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: 69 Tonnele Avenue, Jersey, City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and potato chips*, from Bridgeport, Conn., to Hialeah, Fla.

NOTE.—Applicant holds common carrier authority in MC 117934 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 125023 (Sub-No. 33), filed November 20, 1975. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material*, moving therewith, (a) from Monroe, Wis., to points in Massachusetts, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (b) from Chicago, Ill., to points in Maryland; and (c) from Utica, N.Y., to points in Kentucky, Illinois, Indiana, Michigan, Ohio, and Wisconsin; and (2) *empty used malt beverage containers* in the reverse direction.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125681 (Sub-No. 4), filed November 25, 1975. Applicant: MATERIALS TRANSPORT, INC., 6th & Franklin Streets, Tell City, Ind. 47586. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, gravel and agricultural limestone*, from Perry, Crawford, Dubois, Spencer, Warrick, Vanderburgh, Posey and Gibson Counties, Ind., to Lawrence, Richland, Clay, Wabash, Edwards, Wayne, Jefferson, Hamilton, White, Crawford, and Jasper Counties, Ill., under contract with Mulzer Crushed Stone Co. and Evansville Materials, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Indianapolis, Ind., or St. Louis, Mo.

No. MC 127100 (Sub-No. 15), filed November 11, 1975. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Charles K. Boxell, 9th Floor Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport: *Malt* (beer and ale) *beverages* in containers, from St. Paul, Minn., to Sandusky, Ohio, (2) from Sandusky, Ohio to St. Paul, Minn., under a continuing contract with The Thornburgh Sales Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Lansing, Mich. or Indianapolis, Ind.

No. MC 133741 (Sub-No. 17), filed November 7, 1975. Applicant; OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Truman A. Stockton, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from the facilities of Champion International Corp., located at or near Silver City, Bonner and Browning, Mont., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah and Wisconsin, under a continuing contract or contracts with Champion International Corp.; and (2) *Lumber and lumber products*, from points in Montana, to points in Colorado, under a continuing contract or contracts with Denver Reserve Supply Company of Denver, Colo., or Champion International Corp., Hamilton, Ohio.

NOTE.—Applicant holds common carrier authority in MC 134370 and subs thereunder, therefore dual operations may be involved. Duplicating authority may also be involved. If the instant application is granted, applicant requests that its Sub-Nos. 9 and 11 be cancelled. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 133796 (Sub-No. 27), filed November 5, 1975. Applicant: George Appel, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and materials and supplies* used in the installation of plastic pipe (A) between the facilities of Certain-Teed Products Corporation, located at or near McPherson, Kans., Eads, Tenn., Social Circle, Ga., and Hagerstown, Md.; (B) from Eads, Tenn., to points in Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky and Indiana; and (2) *materials and supplies* used in the manufacture and distribution of plastic pipe and plastic pipe fittings, from points in the destination states mentioned in (B) above, to the facilities of Certain-Teed Products Corporation, located at Eads, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133796 (Sub-No. 28), filed November 5, 1975. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos and cement pipe*, between the facilities of Certain-Teed Products Corporation at Riverside and Santa Clara, Calif.; (2) *asbestos and cement pipe*, from Santa Clara, and Riverside, Calif., to points in Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, Montana, Wyoming, and Colorado: (3) *materials and supplies*, used in the manufacture and distribution of the above commodities, from the destination points in (2) above, to Santa Clara, and Riverside, Calif.; (4) *plastic pipe, plastic pipe fittings, and materials and supplies*, used in the installation of plastic pipe, from the plantsite of Certain-Teed Products Corporation located at or near Shingles Springs, Calif., to points in Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, Montana, Wyoming, and Colorado; and (5) *materials and supplies*, used in the manufacture and distribution of plastic pipe and plastic pipe fittings, from the destination points in (4) above, to the plantsite of Certain-Teed Products Corporation located at or near Shingles Springs, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134094 (Sub-No. 4), filed November 20, 1975. Applicant: HEIGHT'S SERVICE, INC., 521 E. Nevada Avenue, St. Paul, Minn. 55101. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and alcoholic liquors*, from Cincinnati, Ohio; Lawrenceburg, Ind.; Lynchburg, Tenn.; St. Louis and Springfield, Mo., and points in Kentucky and Illinois (except Chicago), to St. Paul, Minn., under contract with McKesson Wine & Spirits Division of Foremost McKesson Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 134323 (Sub-No. 79), filed November 24, 1975. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Welding equipment, materials and supplies;* and (2) *equipment, materials and supplies*, used in the manufacture and distribution thereof, between the plantsite and storage facilities of Union Carbide Corporation located at or near Niagara Falls, N.Y. and Ashtabula, on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, under a continuing contract, or contracts with Union Carbide Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Lincoln, Nebr.

No. MC 134642 (Sub-No. 4), filed November 24, 1975. Applicant: ELWOOD HORTON, Star Route Box 116, Ripplemead, Va. 24150. Applicant's representative: Elwood Horton, 1417 Peters Creek Road, Roanoke, Va. 24017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone and asphalt*, in dump vehicles, from Ripplemead, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier Kanawha, Lincoln, Logan, Mingo, McDowell, Nicholas, Putnam, Raleigh Wayne, and Wyoming Counties, W. Va., (2) *bituminous asphalt*, in dump vehicles, from Lowmoor, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va., (3) *bituminous asphalt*, in dump vehicles, from Bluefield, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas Putnam, Raleigh, Summers, Wayne and Wyoming Counties, W. Va., (4) *stone and asphalt* in dump vehicles, from Rocky Gap, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne and Wyoming Counties W. Va., and (5) *stone, asphalt, and silica sand*, in dump vehicles, from Wytheville, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne and Wyoming Counties, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va. or Washington, D.C.

No. MC 135425 (Sub-No. 12), filed November 26, 1975. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer whose products are sold in drug, variety and food stores, and *materials, supplies, and equipment* (except commodities in bulk) used in the conduct of such business, between St. Paul, Minn., and Andover, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with The Gillette Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136343 (Sub-No. 63), filed November 24, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the facilities of St. Regis Paper Co., Coschocton, Ohio, to points in New York, New Jersey, Pennsylvania and Maryland, restricted to shipments originating at the above origin and destined to the above destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 136375 (Sub-No. 10), filed November 24, 1975. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, Suite 200, Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mirrors, automobile parts, metal vehicle accessories, plastic articles, moulding, spray paint, metal hangers, and items used in the installation thereof*, from the plantsite and facilities of Evans Products Company, at or near Dothan, Ala., to points in the United States (except Alabama, Alaska and Hawaii), under contract with Evans Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Detroit, Mich.

No. MC 136399 (Sub-No. 4), filed November 19, 1975. Applicant: MARK III TRUCKING, INC., 335 18th Street, Dunbar, W. Va. 25064. Applicant's representative: Jackie H. Browning, 445 17th Street, Dunbar, W. Va. 25064. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Major appliances*, from Dunbar Storage Warehouse located at or near Dunbar, W. Va. and Grand Central Mall located at or near Parkersburg, W. Va., to points in Monroe, Morgan, Noble, Washington, Athens, and Meigs Counties, Ohio; and (2) *damaged or rejected merchandise*, from destination points in (1) above, to Grand Central Mall located at or near Parkersburg, W. Va., and Dunbar Storage Warehouse located at or near Dunbar, W. Va., under a continuing contract or contracts with Kelly & Cohen, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 136786 (Sub-No. 88), filed November 24, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compounds; buffing or polishing compounds; textile softeners; grease or oil, lubricating; and deodorants and disinfectants* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Economic Laboratories, located at or near Joliet, Ill., to points in Georgia, restricted to traffic originating at the plantsite and warehouse facilities of Economic Laboratories located at or near Joliet, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138578 (Sub-No. 4), filed November 14, 1975. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* (except commodities in bulk), used in the manufacture of paper and paper products, from points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Oklahoma, and Mississippi, to McAllen, Tex., under a continuing contract or contracts with Valley Corrugated Box, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 138635 (Sub-No. 16), filed Nov. 21, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woven fiber glass and mechanically bonded fiber glass mat*, from Graham, Tex., to San Francisco and Los Angeles, Calif.; Kirkland, Wash.; Detroit, Mich.; Mount Vernon, Ind.; Defiance, Ohio; and St. Petersburg and Miami, Fla.

NOTE.—Applicant holds contract carrier authority in MC 136464 and subs thereunder, therefore dual operation; may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138882 (Sub-No. 9), filed November 17, 1975. Applicant: WILEY SANDERS, INC., 212 Oak St., Box 621, Henderson Rd., Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies*, used and consumed in the processing of lead scrap, from points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico, to the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala.; and (2) *processed lead scrap, lead and lead alloys in pigs, hogs, and ingots*, from the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala., to points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, or Montgomery, Ala.

No. MC 140092 (Sub-No. 4), filed November 20, 1975. Applicant: KEYSTONE TRUCKING CORP., 811 South Washington Avenue, Scranton, Pa. 18505. Applicant's representative: A. David Millner, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail chain grocery and food business houses, and in connection therewith, *equipment, material, and supplies* used in the conduct of such business, between points in New Jersey, New York, N.Y., Baltimore, Md., points in Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester Counties, N.Y., and those points in Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., under contract with The Great Atlantic & Pacific Tea Company, Inc., Montvale, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 140763 (Sub-No. 3), filed November 20, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, a Corporation, P.O. Box 356, Oneida, Tenn. 38741. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed, or dealt in by manufacturers of rubber or rubber products (except in bulk) and (2) *materials, equipment, and supplies* used in the conduct of such business (except in bulk), between Oneida, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with B. F. Goodrich Tire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 140883 (Sub-No. 4), filed November 25, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures*, from the plant site of Warren/Sherer Division of Kysor Industrial Corporation in Marshall, Mich., to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* (except commodities in bulk and lumber) used in the manufacture, sale, and distribution of store fixtures, from points in the United States (except Alaska and Hawaii), to the plant site of Warren/Sherer Division of Kysor Industrial Corporation in Marshall, Mich., under contract with Warren/Sherer Division of Kysor Industrial Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Atlanta, Ga.

No. MC 140925 (Sub-No. 2), filed November 12, 1975. Applicant: FAYETTE TRUCKING CORPORATION, W234 S5502 Big Bend Road, Waukesha, Wis. 53186. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from the facilities of Michigan Gypsum Co., at or near Whittemore, Mich., to points in Wisconsin, under a continuing contract or contracts with Farmers Feed & Fertilizer of Wisconsin.

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC 126159 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 141101 (Sub-No. 2) (Amendment), filed November 3, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished, as amended, this issue. Applicant: ROBERT E. WARNE, doing business as WARNE TRUCKING COMPANY, a Corporation, 121 Rosewood Drive, Zanesville, Ohio 43701 Applicant's representative: Thomas J. Burke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthen-*

ware pots and racks for earthenware pots, (1) from Marshall and Houston, Tex., El Monte, Van Nuys, Fullerton, La Verne, and Long Beach, Calif., to Denver, Colo., under contract with Denver Pottery Co., Inc., (2) from Marshall, Tex., to points in California, under contract with GMMC Pottery Sales Corp., and (3) from Marshall, Tex., to points in Michigan, under contract with D&J Distributing Co., Inc.

NOTE.—The purpose of this republication is to state the correct contracting shippers. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141188 (Amendment), filed July 25, 1975, published in the FEDERAL REGISTER issue of August 14, 1975, and republished as amended this issue. Applicant: MAURICE BLOCKER, doing business as, BLOCKER MILLING SERVICE, Old Highway 9 West, Waukon, Iowa 52172. Applicant's representative: James U. Mellick, P.O. Box 328, 24 West Main Street, Waukon, Iowa 52172. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer and grain*, in bags or in bulk, between points in Minnesota and those points in Iowa within a territory beginning at the intersection of the Mississippi River and the Minnesota-Iowa State Boundary line and extending southerly along the western bank of the Mississippi River to intersection Interstate Highway 80, thence westerly along Interstate Highway 80 to intersection U.S. Highway 71, thence northerly along U.S. Highway 71 to intersection Minnesota-Iowa State Boundary line, and thence along said boundary line to the point of beginning.

NOTE.—The purpose of this republication is to indicate applicant's broadened territorial request for authority. If a hearing is deemed necessary, the applicant requests it be held at Waukon, Iowa or as close thereto as possible.

No. MC 141200 (Amendment), filed July 25, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, and republished as amended this issue. Applicant: CLANCY BROS. TRANSPORTATION CO., INC., 84 Bengal, Terrace, Rochester, N.Y. 14610. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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 in bulk), in vehicles equipped with mechanical refrigeration between points in Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and, on the other, Rochester, N.Y., restricted to the transportation of traffic originating at or destined to the plantsites of those contracting shippers enumerated below, under continuing contracts with (1) Conti Packing Co., Inc., at Rochester, N.Y., (2) Allen Beef Company, Inc. at Rochester, N.Y., (3) Katz Bros., Inc. at Rochester, N.Y., (4) Leon Kastner Wholesale Meats Corp. at Rochester, N.Y., (5) Tobin Packing Co., Inc. at Rochester, N.Y., and (6) Levitt Bros., Inc. at Rochester, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 116497, and should a grant of authority issue as a result of this request it will be assigned under applicant's existing docket number. If a hearing is deemed necessary, applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 141209 (Sub-No. 1), filed November 14, 1975. Applicant: JOSEPH LURATE, 2130 Rockdale Avenue, Simi Valley, Calif. 93063. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, between Garden Grove, Calif., and Lubbock, Tex., under a continuing contract or contracts with Jack Warye Automobile Brokerage.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141255 (Sub-No. 1), filed November 19, 1975. Applicant: TANDY TRANSPORTATION, INC., 3600-3602 Conway, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1(a) *Commodities dealt in by electronic equipment and supply stores, uncrated store fixtures and furnishings, office supplies, and advertising materials*, from Fort Worth, Tex., to points in the United States (except Texas), restricted in the destination states in pick up or delivery of the described commodities at Radio Shack stores and warehouses; *returned and rejected shipments of such commodities*, from points in the United States (except Texas), to Fort Worth, Tex.; (b) *television antennas*, from Burlington, Iowa, to Groveport, Ohio, Braintree and Avon, Mass.; (c) *electronic equipment, materials and supplies*, from Tarrant City, Ala.; Ansonia, Conn.; Aurora, Mundelein, Chicago, Lemont, Downers Grove and Elk Grove, Ill.; Huntington and Frankfort, Ind.; Burlington and Guttenburg, Iowa; Princeton, Ky.; Winona and St. Paul, Minn.; Kennebunk and Biddleford, Maine, Detroit, Mich.; Hagerstown and Baltimore Md.; Shrewsbury, South Hadley, Holyoke, Worcester, Ludlow and Boston, Mass.; Aberdeen, Miss.; St. Louis, Mo.; Camden, Amsterdam, Congers, Blauvelt, Farmingdale L.I., Brooklyn, Huntington, L.I., Hauppauge and New York City, N.Y.; Somerville, Parsippany and Burlington, N.J.; Statesville and Smithfield, N.C.; Newcomerstown and Toledo, Ohio; Central Falls, R.I., to Fort Worth, Tex. and Garden Grove, Calif., restricted against the transportation of traffic from Winona, Minn., to Garden Grove, Calif.; (d) *electronic equipment, materials and supplies*, from Long Beach, Calif.; Phoenix, Ariz. and Grand Junction, Colo., to Fort Worth, Tex.; (e) *toys* from Hawthorne, Calif., to Fort Worth, Tex.

2(a) *Tile*, including ceramic, clay, earthenware, terrazzo, mastic, composition and vinyl asbestos, from Fort Worth and Houston, Tex., to points in Arkansas, California, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Wisconsin; and *returned and rejected shipments*, from the named destination states to Fort Worth and Houston, Tex.; (b) *tile*, from Long Beach, Calif., to Phoenix, Tucson and Mesa, Ariz.; Albuquerque, N. Mex.; and Fort Worth, Tex.; (3) *leather and leather products*, from Buford, Ga., to Fort Worth, Tex.; (4) *commodities dealt in by arts and crafts stores, office supplies and advertising materials for arts and crafts stores*, from Fort Worth, Tex., to points in the United States; *returned and rejected shipments* of such commodities, from points in the United States (except Texas) to Fort Worth, Tex., paragraphs 1, 2, 3 and 4 are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation, Tandycrafts, Inc., and Tandy Brands, Inc. of Fort Worth, Tex., and their subsidiary corporations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 141326 (Sub-No. 4), filed November 24, 1975. Applicant: C. C. SALTER AND C. W. SALTER, a partnership, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut plywood*, from the plantsite, warehouses and storage facilities of Associated Forest Products, Inc., at or near Eufaula, Ala., to Fergus Falls, Minn.; Auburn, Nebr.; Atlanta, Ga.; Union City, Ind.; and Ft. Smith, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 141368 (Correction), filed September 26, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished as corrected this issue. Applicant: BASE TRANSPORTATION, INC., 1573 West Second Street, Pomona, Calif. 91766. Applicant's representative: Jerry Solomon Berger, 433 Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint thinners and solvents* (except in bulk), from the plantsite of Pervo Paint Company, located in Los Angeles, Calif., to points in Arizona, Idaho, Nevada, New Mexico and Utah, under a continuing contract or contracts with Pervo Paint Company.

NOTE.—The purpose of this republication is to correct the "zip code" of the applicant's

representative. If a hearing is deemed necessary, the applicant requests it be held at Pomona or Los Angeles, Calif.

No. MC 141476 (Correction), filed October 23, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished as corrected this issue. Applicant: C. T. TRANSPORTATION COMPANY, 2301 Bridgeport Drive, P.O. Box 1410, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, antennas, and equipment, materials and supplies* used in the manufacture, sale, distribution and erection of towers and antennas, and (2) *reflectors, redomes, pylons, buildings, building panels, building parts, and accessories, materials and supplies* used in the installation, construction, and erection of buildings, building panels and building parts, from the plant site and storage facilities of Advance Industries at Sioux City, Iowa, to points in the United States (except Hawaii); (3) *towers, antennas and equipment, materials and supplies* used in the manufacture, sale, distribution, and erection of the commodities described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to the plant site and storge facilities of Advance Industries located at Sioux City, Iowa, the commodities in (1), (2) and (3) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Advance Industries; (4) *trenching machines*, from the plant site and storage facilities of Digz-All, Inc., located at Merrill, Iowa, to points in the United Staes (except Hawaii); and (5) *equipment, materials and supplies* used in the manufacture, sale and distribution of trenching machines, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Digz-All, Inc., located at Merrill, Iowa, the commodities in (4) and (5) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Digz-All, Inc.

NOTE.—The purpose of this republication is to clarify the commodities in (1) and (2) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa, or Omaha, Nebr., or Chicago, Ill.

No. MC 141484, filed October 29, 1975. Applicant: HARRY L. ROTHSTEIN, 40 Poplar Street, P.O. Box 1386, Scranton, Pa. 18501. Applicant's representative: Richard M. Goldberg, 700 United Penn Bank Building, Wilkes-Barre, Pa. 18701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, from the facilities of Distribution East located at or near Scranton (Lackawanna) County, Pa., to points in Pennsylvania and New York; and (2) *rejected or refused merchandise and empty containers*, from points in Pennsylvania and New York, to the facilities of Distribution East located at or near Scranton, Pa., under a continuing contract or contracts in (1) and (2) above with E. H. Trethaway Co., and James A. Weaver Company.

NOTE.—Applicant holds common carrier authority in MC 54698 sub No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Scranton or Wilkes-Barre, Pa.

No. MC 141492, filed November 10, 1975. Applicant: WHITETOP SAFEWAY & YELLOW CHECKER CABS, INC., doing business as MISSISSIPPI COURIER SERVICE, 670 South West Street, Jackson, Miss. 39201. Applicant's representative: Douglas R. Duke, Suite 552, First National Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing materials, bank paper, securities and financial instruments* (except coin and currency), between Memphis, Tenn., New Orleans, La., and points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., Memphis, Tenn. or New Orleans, La.

No. MC 141526, field November 14, 1975, Applicant: TERRELL TRUCKING, INC., P.O. Box 11, Converse, La. 71419. Applicant's representative: Thomas Joe Cassell, 1115 E. San Antonio Avenue, Many, La. 71449. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, riprap, crushed rock and lignite coal*, in bulk, between points in Louisiana and Arkansas and that part of Texas on and east of Interstate Highway 35 at the Oklahoma-Texas State Boundary line, thence along U.S. Highway 35 to Fort Worth, Tex., thence along Interstate Highway 20 to Dallas, Tex., thence along Interstate Highway 45 to Galveston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Shreveport, New Orleans, La. or Dallas, Tex.

No. MC 141528, filed November 19, 1975. Applicant: EXPRESS DELIVERIES, INC., 3040 Greenmount Avenue, Baltimore, Md. 21218. Applicant's representative: Alan J. Bloom, Suite 406, 401 Washington Avenue, Towson, Md. 21204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photograph and photofinishing materials and supplies*, between points in Maryland, Virginia, Delaware, Pennsylvania, and the District of Columbia, under a continuing contract or contracts with Paramount Photo Service and Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 141539, filed November 20, 1975. Applicant: GORDON HART, doing business as HART TRANSPORT, P.O. Box 109, Harris Road, Dexter, Mo. 63841. Applicant's representative: Joseph E. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mufflers, exhaust pipe, tail pipe, steel, machinery, machinery parts, motors, transformers, converters, filters, flanges, tubing, asbestos, strapping, cartons, boxes, drums, pallets, steel racks, scrap metal, oil, solvents and cleaning products*, used in manufacturing (except commodities in bulk), between Dexter, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

FREIGHT FORWARDER APPLICATIONS

No. FF-350 (Sub-No. 1), filed November 21, 1975. Applicant: GLOBAL FORWARDING, INC., Number One Global Way, Anaheim, Calif. 94803. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. FF-477, filed November 21, 1975. Applicant: CROWN OVERSEAS FORWARDERS, 180 Quint Street, San Francisco, Calif. 94124. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (b) to the transportation of export and import traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

By the Commission.

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

[FR Doc.75-34728 Filed 12-23-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SOLAR ENERGY RESEARCH INSTITUTE

Policy Relating To Establishment

The Solar Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-473) establishes a Solar Energy Research Institute (SERI) to conduct research, development and other related tasks in furtherance of the use of solar energy. The Act states that SERI may be located at a new or an existing Federal Laboratory and authorizes ERDA to determine its location. Over the past months, the Energy Research and Development Administration (ERDA) has been developing criteria for evaluating SERI's site as well as formulating the role and mission, and the type of management organization for SERI.

ERDA expects to announce criteria for evaluating the SERI site in January, 1976, and plans to solicit proposals for the site at that time. In this regard, it is ERDA's policy that no organization should be given unfair advantage over others interested in submitting proposals. This policy was expressed in a memorandum dated November 25, 1975, from Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination to all ERDA offices. For the benefit of the interested public, the memorandum is quoted in its entirety below.

Dated: December 22, 1975.

ROBERT A. SUMMERS,
Acting Assistant Administrator for Laboratory and Field Coordination.

HEADS OF DIVISIONS AND OFFICES, HQ
HEADS OF FIELD ORGANIZATIONS

POLICY FOR NATIONAL LABORATORIES AND OTHER ERDA INSTALLATIONS IN RELATION TO ERDA'S QUEST FOR A SOLAR ENERGY RESEARCH INSTITUTE (SERI) SITE AND MANAGEMENT ORGANIZATION

NOVEMBER 25, 1975.

It is the policy of this Agency that all parties be treated equally and fairly in their dealings with the Federal Government. This policy is very important in the management team and site selection quest for SERI. No citizen or organization should be allowed to have a preferred position, or even appear to have knowledge which would give an unfair advantage over any other organization or person. Assuring fair treatment has been the overriding consideration in the adoption of procedures regarding the establishment of SERI and this fairness must continue to guide our future conduct.

It is anticipated that parties interested in making proposals relative to SERI may seek information from ERDA Laboratories and installations. If ERDA Laboratories or installations are approached for information relating to SERI, they shall notify the Solar Energy Research Institute Project Office (SIPO) of such requests in detail and shall obtain instructions or advice from the SIPO before proceeding further.

It is also anticipated that parties interested in making proposals concerning SERI may seek the participation of ERDA Laboratories or installations. If so approached, the Laboratory or installation must promptly advise the cognizant Operations Office, the SIPO, and this office in detail and obtain instructions or advice before proceeding further. This office shall have the final responsibility for determining the nature and extent of participation by ERDA Laboratories and installations with other parties relative to the SERI search. In any event, the ERDA Operations Offices shall not assume, nor appear to assume, any form of partisan role and must maintain the strictest objectivity and impartiality with respect to the SERI search and selection process.

ERDA Operations Offices are expected to advise all ERDA field installations of these policy guidelines and assure appropriate implementation.

ERDA Headquarters offices will assure that no information concerning ERDA's own planning or decisions relating to SERI is communicated in any form to any parties relative to SERI in advance of full public announcement. Furthermore, such public announcements shall set forth the above policy relating to ERDA Laboratories and other installations.

[FR Doc.75-34923 Filed 12-23-75;10:24 am]

federal register

WEDNESDAY, DECEMBER 24, 1975



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Proposed Standard for Vinyl Chloride

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454–1]

[40 CFR Part 61]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Proposed Standard for Vinyl Chloride

Notice is hereby given that under the authority of section 112(b)(1)(B) of the Clean Air Act, as amended, the Administrator is proposing a national emission standard for vinyl chloride emissions from ethylene dichloride-vinyl chloride and polyvinyl chloride plants. As prescribed by section 112(b)(1)(A) of the Act, this proposal of the standard was preceded by the Administrator's determination that vinyl chloride is a hazardous air pollutant as defined in section 112(a)(1) of the Act. Accordingly, the Administrator is revising the list of hazardous air pollutants by adding vinyl chloride; notice of this revision is published in the notice section of this issue of the FEDERAL REGISTER. [FRL 454–2] FR Doc. 75–34512.

In accordance with section 117 of the Act, publication of this proposed standard was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. All relevant comments postmarked not later than February 23, 1976, will be considered. Comments received will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

A public hearing will be held as required by section 112(b)(1)(B) of the Act. A notice of the time, date and place for the public hearing will be published in the FEDERAL REGISTER within 30 days of the publication date of this proposed standard.

The Environmental Protection Agency (EPA) has prepared a "Standard Support and Environmental Impact Statement" which contains background information on the manufacture and processing of vinyl chloride, the health effects of vinyl chloride, the available control technologies for vinyl chloride emissions, the rationale for the proposed standard, and an analysis of the environmental, economic, and inflationary impacts of the proposed standard. More detailed information on the health effects of vinyl chloride is contained in a second document prepared by EPA, which is entitled the "Scientific Technical Assessment Report on Vinyl Chloride and Polyvinyl Chloride." Requests for these documents should be addressed to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin, MD–13. The information contained in these documents with regard to health effects, the rationale for the proposed standard, and the potential environmental and economic impacts is summarized in the following paragraphs. All references in the summary are to be found in the two EPA documents.

RATIONALE FOR REGULATING VINYL CHLORIDE UNDER THE AUTHORITY OF SECTION 112 OF THE CLEAN AIR ACT

In January 1974, the B. F. Goodrich Chemical Company reported to the National Institute of Occupational Safety and Health that several of its employees had died from angiosarcoma of the liver (a rare form of cancer) and that these deaths may have been related to occupational exposure to vinyl chloride gas. This report resulted in growing concern over the potential health effects of vinyl chloride and spurred efforts by various government agencies to take steps to obtain data needed to assess in more detail the impact of vinyl chloride on human health and to reduce vinyl chloride exposure both to the worker and to the general population. EPA established a Task Force on vinyl chloride in February 1974, to identify the environmental problems resulting from the manufacture and use of vinyl chloride and polyvinyl chloride. While air, water, and solid waste disposal are all possible routes for entry of vinyl chloride into the environment in the vicinity of manufacturing facilities, the Task Force concluded that, based upon current information, the air route poses the most significant environmental problem to the population located there. Potential sources of exposure to the general population due to the use (as opposed to the manufacture) of vinyl chloride include aerosol containers, plastics used for containing or wrapping food products, and drinking water.

On April 26, 1974, EPA published in the FEDERAL REGISTER an emergency suspension order for specific indoor aerosol pesticides containing vinyl chloride. In May 1974, EPA initiated a study to determine whether Federal regulation of atmospheric emissions of vinyl chloride from manufacturing facilities is needed, and if so, which of the regulatory alternatives under the Clean Air Act would be most appropriate. For the purpose of the study, data were gathered on health effects, air quality concentrations, control techniques, and costs. Based on this analysis, EPA concluded that vinyl chloride meets the specifications of the definition of "hazardous air pollutant" in section 112 of the Clean Air Act and should be regulated as such. "Hazardous air pollutant" is defined in section 112 of the Clean Air Act as "an air pollutant . . . which in the judgment of the Administrator may cause or contribute to, an increase in serious irreversible, or incapacitating reversible illness." The reasons for concluding that vinyl chloride is a hazardous pollutant are discussed in the following paragraphs.

Vinyl chloride has been shown to cause cancer in both sexes of three species of rodents by the inhalation route, the primary route by which humans, in the vicinity of plants manufacturing or processing vinyl chloride, are exposed. Angiosarcoma of the liver has been observed in rats, hamsters, and mice exposed to vinyl chloride. In two of these species, rats and mice, liver angiosarcoma has been produced at exposure levels as low as 50 parts per million (ppm), which is the lowest level for which studies have been completed thus far. In one experiment, exposures at this level for four hours per day, five days per week for a 12 month period produced nephroblastomas and liver angiosarcomas after 135 weeks. In a second experiment angiosarcoma in mice has been produced by exposures as low as 50 ppm for 7 hours for a 26 week duration. Furthermore, these animal studies showed a multiple cancer risk from vinyl chloride, i.e., tumors in organs other than the liver such as the brain, lungs, kidneys, and mammary glands.

As of June 1975, the National Cancer Institute had confirmed 27 cases of liver angiosarcoma among workers with a history of exposure to vinyl chloride, 15 in the United States and 12 in Europe and Canada. Additionally 11 cases had been reported and not yet confirmed. Most, but not all, of these confirmed cases have been among workers involved directly in polyvinyl chloride production. Cases of liver angiosarcoma have been reported in one U.S. and three European workers exposed to vinyl chloride, but not directly involved in polyvinyl chloride production. These cases suggest that exposure to vinyl chloride at lower levels than usually encountered in polyvinyl chloride production plants is capable of causing liver angiosarcoma. To date, angiosarcoma of the liver has been considered an extremely rare disease among the general population. In a survey by the American Cancer Society, only one case of liver angiosarcoma was recorded per 78,000 deaths. Compared with this record, the data indicating the frequency of liver angiosarcoma among workers exposed to vinyl chloride show that the relative risk to these workers of developing this disease is approximately 3,000 times greater than that to the general population. Such a relative risk represents a statistically significant difference ($p<0.001$) in the frequency of liver angiosarcoma among those exposed to high levels of vinyl chloride compared with those in the general population.

Occupational exposure studies have strongly implicated vinyl chloride as a human chemical carcinogen which causes tumors in many different sites, only one of which is the liver. Other manifestations in humans include acroosteolysis and liver dysfunction. Similar toxicology studies have verified the occurrence of tumors in other body organs such as the brain and lungs. Bioassay studies have shown the potential of vinyl chloride to be a chemical mutagen and terotogen. (More details on these animal and occupational studies may be

found in the "Scientific Technical Assessment Report on Vinyl Chloride and Polyvinyl Chloride.")

These data strongly indicate that vinyl chloride causes or contributes to the development of angiosarcoma, other cancers, and noncarcinogenic disorders in people with occupational exposure and in animals with experimental exposure to vinyl chloride. Reasonable extrapolations from these findings cause concern that present ambient levels of vinyl chloride may cause or contribute to the same or similar disorders. Data obtained in the spring of 1974 from U.S. plants that produce or process vinyl chloride indicate that approximately 100 million kg of vinyl chloride are emitted to the atmosphere annually. The majority of these emissions are from ethylene dichloride-vinyl chloride and polyvinyl chloride plants. Results from a preliminary ambient monitoring program conducted by EPA in the spring of 1974 indicate that persons living in the immediate vicinity of these plants are generally exposed to average daily concentrations of less than 1 ppm with some 24 hour average excursions to 1 and 3 ppm and some occasional peak concentrations as high as 33 ppm. Results from a more extensive ambient monitoring program conducted by EPA from November 1974 to June 1975 are not discussed in detail here because they are still being analyzed. The results are generally in the same range as reported here for the preliminary ambient monitoring program except there are no concentrations as high as 33 ppm. Approximately 4.6 million people live within a five-mile radius of ethylene dichloride vinyl and polyvinyl plants. There are no dose-response data, and thus there is no absolute proof of adverse effects, at the concentrations of vinyl chloride found in the ambient air. However, for carcinogens there may be no atmospheric concentration which poses absolutely no public health risk. Also, data from studies of occupational exposure indicate that there is a latency period as long as 20 years between initial exposure to vinyl chloride and occurrence of disease. The latency period could possibly be longer for lower levels of exposure. Production of polyvinyl chloride did not begin to operate on a large scale until relatively recently. Only about 10 of the approximately 40 polyvinyl chloride plants are 20 years old or older, and the oldest one is 40 years old. These considerations led to the conclusion that EPA should take action now to reduce exposure levels to vinyl chloride before retrospective evidence of risk is allowed to show itself. By taking steps now to reduce emissions, EPA will be able to reduce substantially the risk that severe illness and death will occur in the future as a result of present and prolonged community exposure to vinyl chloride.

EPA's conclusions are supported by "The Evaluation of Environmental Carcinogens" which was completed on April 22, 1970, by the Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens. The Ad Hoc Committee was formed in response to a request by the Deputy Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare (HEW). The Committee was to review the problems relating to the evaluation of low levels of environmental chemical carcinogens, to consider the scientific bases on which such evaluations can be made, and to advise the Department of HEW on the implications of such evaluations. The report to HEW includes the following conclusions and recommendations:

(1) "Any substance which is shown conclusively to cause tumors in animals should be considered carcinogenic and therefore a potential cancer hazard for man."

(2) "Because the latent period in human carcinogenesis is so long, epidemiologic evidence develops only over periods of 15 to 20 years. Timely decisions to exclude materials from uses involving exposure to man, therefore, must be based solely on adequately conducted animal bioassays. Retrospective human evidence of risk must not be allowed to show itself before controlling action is taken. Chemicals should be subjected to scientific scrutiny rather than given individual rights; they must be considered potentially guilty unless and until proven innocent."

(3) "No chemical substance should be assumed safe for human consumption without proper negative lifetime biological assays of adequate size. The minimum requirements for carcinogensis bioassays should provide for adequate numbers of animals of at least two species and both sexes with adequate controls, subjected for their lifetime to the administration of a suitable dose range, including the highest tolerated dose, of the test material by routes of administration that include those by which man is exposed."

(4) "No level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents a safe level for man cannot be established by application of our present knowledge. The concept of 'socially acceptable risk' represents a more realistic notion."

Several court decisions also support EPA's decision. In *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F.2d 1292 (D.C. Cir., 1975), which questioned the protection of the manufacture and sale of aldrin and dieldrin, Judge Levanthal recognized (1) consideration of the long latency period in cancer, (2) the finding that the concept of threshold level has no practical significance for carcinogens, and (3) the extrapolation to humans from animal test data, as valid grounds for EPA's decision making. See also *Environmental Defense Fund, Inc.*, v. *Ruekelshaus*, 142 U.S. App. D.C. 74, 439 F.2d 584 (1971) on animal test data. Furthermore, in the preamble to the October 4, 1974, Occupational Safety and Health Administration (OSHA) regulation for vinyl chloride, *The Evaluation of Environmental Carcinogens* was cited as partial support for the level of the standard. This regulation was upheld by the U.S. Court of Appeals for the Second Circuit in the case of *Society of the Plastics Industry, Inc.* v. *Occupational Safety and Health Administration*, 509 F.2d 1301 (1975); cert. den. *sub. nom. Firestone Plastics Co.* v. *U.S. Department of Labor*, 43 U.S. L. W. 3623 (1975). In its decision, the Court of Appeals stated that much of OSHA's evidence for the regulation was based on animal exposure to vinyl chloride, with only indirect human evidence, but that

> . . . nevertheless, it remains the duty of OSHA to protect the working man, and to act even in circumstances where existing methodology or research is deficient.

The panel also stated that the evidence on vinyl chloride's dangers was "quite sufficient" to merit OSHA's regulations.

EPA considered several approaches to dealing with air emissions of vinyl chloride other than regulating under section 112. The main alternatives were taking no action, delaying action until more health effects data are available at lower concentrations of vinyl chloride, regulating under section 109 and regulating under section 111.

The alternative of taking no action was rejected because vinyl chloride is a carcinogen and poses a risk to public health. Vinyl chloride emissions are expected to be reduced to some degree as a result of the OSHA standard which was promulgated on October 4, 1974, (39 FR 35890) and which became effective on April 1, 1975 (40 FR 13211), some State regulations for new construction of ethylene dichloride-vinyl chloride and polyvinyl chloride plants and for ethylene emissions, and voluntary installation of controls by some companies. The degree to which these other efforts will reduce emissions is uncertain at this time, but it is not expected that it will be uniform or that ambient concentrations will be reduced to the same degree as they would as a result of the proposed standard. In fact, increased ventilation to the atmosphere as well as emission control equipment is being used to meet the OSHA standard.

The alternative of delaying the standard setting would allow acquisition of additional information but it is likely that gaps in the relevant information would still remain. Due to the expected long latency period between initial exposure to vinyl chloride and occurrence of disease, it will be many years before useful epidemiological data will be available on the effects of lowered occupational exposure resulting from the OSHA regulation. EPA has concluded that the available evidence indicates that ambient concentrations of vinyl chloride pose a public health risk and should not be allowed to persist until all information gaps are filled. If EPA were to wait until all needed data were available to establish precise dose-response relationships, a standard could be long delayed and the public might be exposed to substantial and irreversible harm in the interim. Moreover, the risks to the public could increase as the industries expand.

The alternative of regulating under section 109 (National Ambient Air Quality Standards) was rejected by EPA because vinyl chloride is a localized problem and section 109 is usually more appropriate for regulating pollutants whose presence in the ambient air is ubiquitous. Also, the National Ambient Air Quality Standards/State Implementation Plan process does not provide the expedited means of control which Congress meant to be used for a hazardous air pollutant.

The remaining alternative of section 111 (Standards of Performance for New Stationary Sources) was examined very closely. Section 111(d), which would provide for control of existing facilities if new source performance standards were promulgated for vinyl chloride, has the following features: (1) regulation development under section 111(d) takes longer than under section 112; (2) the level of control may differ from State to State; (3) States may grant variances based on cost considerations only; and (4) the standard development mechamism is a State rather than a Federal process. EPA concluded that these features are not appropriate in the case of a pollutant which fits the definition of hazardous air pollutant under section 112. Section 112 was designed in part to avoid these features for certain types of pollutants, and EPA has determined that vinyl chloride is such a pollutant.

A concurrent issue before EPA was what level of emission control could or should be required under section 112. Section 112 provides that the Administrator shall set an emission standard "at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutants." The problem presented was how this provision should be interpreted when dealing with an apparent non-threshold pollutant that is hazardous at some level. The term "non-threshold pollutant" refers to a substance which creates a risk of adverse health effects at all ambient levels (other than zero). An "apparent non-threshold pollutant" is, quite simply, a substance which, on the basis of available information, appears to be a non-threshold pollutant. An apparent non-threshold pollutant may be known to be "hazardous" within the definition of section 112 at some levels, and create a risk to public health at all levels. Vinyl chloride is such a pollutant. It clearly causes angiosarcoma, other cancers, and noncarcinogenic disorders in animals, which have been experimentally exposed to vinyl chloride, and in people with occupational exposure. However, an emission standard for vinyl chloride cannot be established below a threshold level of effects because no dose-response data are available for the concentrations of vinyl chloride found in the ambient air. Further, it is EPA's position that for a carcinogen it should be assumed, in the absence of strong evidence to the contrary, that there is no atmospheric concentration that poses absolutely no public health risk. The issue was how far the level of such pollutants should be reduced to provide "an ample margin of safety."

EPA considered that section 112 might be interpreted to require a complete prohibition of emissions of any apparent non-threshold pollutant. This zero emission limitation would be the only emission standard which would offer absolute safety from ambient exposure. This interpretation was rejected, however, and EPA has determined that, in some cases, prohibition of all emissions of apparent non-threshold pollutants is not required under section 112. This determination is based on the following considerations.

Complete prohibition of all emissions could require closure of an entire industry. This would occur in a case such as vinyl chloride where there is no technology to achieve a zero emission limitation and development of such technology is not foreseen. Closure would result in extensive economic costs in some cases, such as when the affected industry is of large size or there are no available substitutes for the products produced. The costs of a prohibition in some cases would be extremely high for elimination of a risk to health that is of unknown dimensions. Banning production of vinyl chloride and polyvinyl chloride would have a negative impact on the producing companies, especially on the three or four companies which, according to EPA's evaluation, are highly dependent on sales of vinyl chloride and polyvinyl chloride and might therefore be expected to fail if vinyl chloride and polyvinyl chloride production were banned. There would be an even greater impact on unemployment at the approximately 8,000 fabrication plants which depend at least partially on polyvinyl chloride as a raw material. This impact would persist unless and until these plants could adapt their equipment to manufacturing substitutes. With regard to the consumer, there are substitutes for about 85 percent by weight of the uses of polyvinyl chloride, but these substitutes would generally not be available for at least two years, would generally be more expensive than polyvinyl chloride products, and would not necessarily have some of the desirable characteristics, such as nonflammability, of polyvinyl chloride. In view of the beneficial uses of vinyl chloride products for which desirable substitutes are not readily available, the potentially adverse health and environmental impacts from substitutes which have not been thoroughly studied, the number of employees, particularly in fabrication industries, who would become at least temporarily unemployed, and the availability of control technology which is capable of substantially reducing emissions of vinyl chloride into the atmosphere, EPA concluded that setting zero emission limits would be neither desirable nor necessary.

An alternative interpretation of section 112 is that it authorizes setting emission standards that require emission reduction to the lowest level achievable by use of the best available control technology in cases involving apparent non-threshold pollutants, where complete emission prohibition would result in widespread industry closure and EPA has determined that the cost of such closure would be grossly disproportionate to the benefits of removing the risk that would remain after imposition of the best available control technology. EPA recognizes that consideration of technology in standard setting is not explicitly provided for under section 112. Congress never discussed the particular problem associated with apparent non-threshold pollutants. EPA, however, believes that Congress did not intend to impose the costs associated with complete emission prohibition in every case involving such a pollutant. The best available control technology approach will produce the most stringent regulation of hazardous air pollutants short of requiring a complete prohibition in all cases. This interpretation of section 112 is the one which has been adopted for vinyl chloride. This approach was used in the case of asbestos, but has never been judicially tested. The purpose of the proposed standard is thus to minimize risk to public health by establishing an emission standard which will reduce emissions to the level attainable with best available control systems. An emission standard based on best available control technology will result in different total emission levels and different ambient air concentrations at different plants due to variations in plant sizes and configurations. However, it will further the protection of public health by minimizing the health risks to the people living in the vicinity of these plants and to any additional people who are exposed as a result of new construction.

Selection of Source Categories

There are two major source categories of vinyl chloride emissions: polyvinyl chloride plants (41 existing plants) which are responsible for approximately 85 percent of the total nationwide emissions and ethylene dichloride-vinyl chloride plants (17 existing plants) which are responsible for about 11 percent of the total emissions. Both of these source categories are covered by the proposed standard. (For the purpose of clarification, ethylene dichloride and vinyl chloride are typically produced at one plant, but this is not necessarily the case. The proposed standard would apply to plants which produce either ethylene dichloride or vinyl chloride as well as to plants which produce both.)

The remaining emissions are from about 8,000 polyvinyl chloride fabricating plants and several other miscellaneous sources. A monitoring program conducted by EPA at five fabricating plants indicated that ambient concentrations around the perimeter of these plants are almost negligible. At three of the plants, no vinyl chloride was detected, and where it was found, the highest concentration was 6 parts per billion (ppb). As far as can be determined, all vinyl chloride emissions from the fabricating plants are due to residual vinyl chloride

in the raw materials coming from the polyvinyl chloride plants. Consequently, vinyl chloride emissions from fabricating plants will be minimized indirectly as polyvinyl chloride plants, in response to the proposed standard and the OSHA standard, reduce vinyl chloride in these raw materials from as high as 1000 ppm to less than 10 ppm. For the foregoing reasons, EPA has concluded that no standard for fabricating plants is necessary at the present time.

Studies under contract to EPA have been conducted to identify miscellaneous sources, their emissions and possible control technology. For purposes of EPA action, sources of vinyl chloride emissions other than ethylene dichloride-vinyl chloride plants, polyvinyl chloride plants, and fabricating plants are classified as miscellaneous sources. In general, these sources either use vinyl chloride for purposes other than polyvinyl chloride production or processing, or produce vinyl chloride as a by-product. Preliminary reports indicate that there are 8 such plants and that they accounted for about 3 percent of the total estimated 1974 emissions from all sources. EPA is continuing its research on vinyl chloride emissions from miscellaneous sources. Although the proposed standard does not cover these sources, there is a possibility that EPA will conclude that regulations for them should be proposed at a later date. For the present, therefore, the proposed standard is applicable only to ethylene dichloride-vinyl chloride and polyvinyl chloride plants, which are the largest sources.

The proposed standard for polyvinyl chloride plants covers any plant where vinyl chloride alone or in combination with other materials is polymerized. Thus, the proposed standard includes plants which produce homopolymers in which vinyl chloride is the only polymerized constituent and/or copolymers, terpolymers, or any other polymers in which other raw materials in addition to vinyl chloride are polymerized. EPA considered exempting from the proposed standard plants (six of the approximately 41 existing plants) which produce a polymer in which vinyl chloride is less than 50 percent of the raw material polymerized. EPA decided not to exempt these plants from the proposed standard, because the total vinyl chloride emissions from a plant are more a function of the total quantity of vinyl chloride processed in the plant than the percent vinyl chloride contained in the resin. Furthermore, available data indicate that the processing equipment in these six plants is the same as in the plants producing resins with higher percentages of vinyl chloride, so that the same control technology can be applied and separate standards are not required. Since the available data on production of polyvinyl chloride resins containing less than 50 percent vinyl chloride are more limited than the data on the production of resins containing higher percentages of vinyl chloride, EPA urges all interested persons to submit factual data on the production of these resins during the comment period.

The proposed standard covers the production of ethylene dichloride only by oxychlorination of ethylene. Available data indicate that there are no vinyl chloride emissions from direct chlorination of ethylene.

As proposed the standard would apply to any ethylene dichloride-vinyl chloride or polyvinyl chloride facility, regardless of size. EPA recognizes that some small research and development facilities may exist where the emissions of vinyl chloride are insignificant and covering these facilities under the standard would be unnecessary and inappropriate; however, EPA does not have sufficient information available to clearly define which facilities should be excluded from the standard. EPA urges all interested persons to submit factual information during the comment period describing the size and operation of research and development facilities for ethylene dichloride-vinyl chloride and polyvinyl chloride, the emissions of vinyl chloride from these facilities, the amount of product produced and the disposition of the products.

Selection of Emission Points for Regulation

The sources of vinyl chloride emissions within typical ethylene dichloride-vinyl chloride and polyvinyl chloride plants and their relative contributions to total uncontrolled emissions are shown in Table 1.

Table I

Emission source:	*Percent of total uncontrolled emissions at the average plant*
(A) Ethylene dichloride-vinyl chloride plants:	
(1) Fugitive emission sources	27
(2) Ethylene dichloride purification	11
(3) Vinyl chloride formation and purification	54
(4) Oxychlorination reactor	8
	100
(B) Polyvinyl chloride plants:	
(1) Fugitive emission sources	39
(2) Reactor opening	3
(3) Relief valve discharge	5
(4) Stripper	8
(5) Monomer recovery system	13
(6) Sources following the stripper (slurry blend tanks, centrifuges, dryers, bulk storage, etc.)	32
	100

The proposed standard applies to all of the sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants. There are control technologies which have been used for each of the emission sources, and regulation of only some of the sources was determined to be less than best available control technology. Emissions from both normal operation and from relief discharges are to be regulated. Relief discharges are included because they cause short-term high level emissions which can be prevented in almost all cases.

Two sources of vinyl chloride need explanation. First, the reactor may, in some polyvinyl chloride plants, serve also as the stripper. When this is the case, the regulation controlling reactors is applicable. Second, the definition of stripper for all resins except bulk resins includes "in the slurry form" so that other vessels, e.g. silos, following this stage of the process will not be considered strippers. Likewise, the definition of stripper for bulk resins does not include silos.

The proposed standard also applies to all known fugitive emission sources, including equipment used for loading (or unloading) vinyl chloride monomer into transfer equipment from storage vessels, slip gauges, leakage from seals on pumps, compressors, and agitators, leakage from relief valves, manual venting of gases, opening of equipment such as for maintenance and inspection, flasks used in obtaining samples of vinyl chloride monomer, leakage from equipment, and in-process wastewater. Although the emissions from each of these sources when considered individually may appear relatively small, they are included in the proposed standard because when combined they represent a significant portion of the total plant emissions. Based on data reported to EPA by individual companies in the spring of 1974, fugitive emissions represented approximately 40 percent of the total emissions from polyvinyl chloride plants and approximately 25 percent of the total emissions from ethylene dichloride-vinyl chloride plants. In-process wastewater is included in the list of fugitive emission sources subject to the proposed standard because available data indicate that vinyl chloride contained in water exposed to the atmosphere is lost rather rapidly. Precise measurements have not been made to prove that this vinyl chloride is emitted to the air. However, data on the solubility of vinyl chloride in water indicate that this is likely to be the case.

For several of the fugitive emission sources, the proposed standard applies only to those pieces of equipment "in vinyl chloride service." This term is defined to exclude pieces of equipment such as pumps and storage containers which are used to handle materials other than vinyl chloride and which contain essentially no vinyl chloride.

Two fugitive emission sources which were considered for specific regulation but which are not included in the proposed standard as such are vacuum pumps and steam jets. It was concluded that a separate regulation is unnecessary because more general regulations are included which already cover vacuum pumps and steam jets. For example, steam jets used to displace vinyl chloride or other contaminants from equipment are covered by general regulations controlling the removal of vinyl chloride from equipment by any means.

Rationale for the Emission Limits

The purpose of the proposed standard is to minimize the risk to the public health by setting emission limits which will reduce emissions to the level attainable with the best available control technology for each emission source in

ethylene dichloride-vinyl chloride and polyvinyl chloride plants. There are many technical decisions involved in developing a standard on the basis of "best available control technology." Therefore, EPA established two criteria for making these technical decisions as follows:

(a) First, the control technology must be in use in one or more plants in the chemical industry and be generally adaptable for use at the plants subject to the standard within the time allowed for compliance under section 112, and

(b) Second, costs were considered only when they were grossly disproportionate to the emission reduction achieved.

In this interpretation of best available control technology the degree of consideration of costs was limited. The proposed standard was adjusted for cost reasons only to avoid the large economic impact of industry closure and control costs that are grossly disproportionate to the emission reduction achieved. For example, the types of conceivable control measures which were rejected because they did not meet the established criteria for best available control technology included installing control technologies for which research is currently being conducted or is planned, but which have not been used commercially; placing a bubble around an industrial complex and venting all the air from the complex through an enormous control device; and installing double control measures, such as two incinerators in series, which could achieve a small increment in emission reduction at a disproportionately high cost. A fine balancing of costs against benefits was not undertaken.

A further comment on this interpretation is in order to reveal one other consideration that went into the decision on this matter. EPA recognizes that some sources may still have economic difficulties in meeting a standard based on best available control technology. EPA does not intend to guarantee that no facility will have to close in order to meet such a standard. It is intended only that EPA have an alternative to setting an emission prohibition standard which would force widespread closures.

In order to develop an emission standard for each of the sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants based on the guidelines which had been established for "best available control technology," data on control systems were obtained through requests for information under the authority of section 114 of the Clean Air Act, on-site observation of plant processes, consultation with industry representatives and control equipment vendors, one emission test, and two studies completed under contract to EPA.

Stack Emissions

The proposed standard limits emissions from all equipment used in the ethylene dichloride purification process and the vinyl chloride formation and purification processes in ethylene dichloride-vinyl chloride plants and from all reactors; strippers; containers for mixing, weighing and holding which precede the stripper; and monomer recovery systems in polyvinyl chloride plants to a concentration of 10 ppm vinyl chloride. The proposed standard also requires venting of captured fugitive emissions through a control system from which the concentration of vinyl chloride does not exceed 10ppm. In EPA's judgment, an outlet concentration of 10 ppm represents best available control technology for these sources and can be achieved by incineration, carbon adsorption, or solvent absorption. None of these control systems has been used by ethylene dichloride-vinyl chloride or polyvinyl chloride plants until recently, and then by only a few plants. Therefore, even though EPA has made a concentrated effort to obtain data on application of these control systems for reduction in vinyl chloride emissions, there are few data available demonstrating the effectiveness of these control systems when installed at ethylene dichloride-vinyl chloride or polyvinyl chloride plants. EPA did conduct a source test on one incinerator installed at an ethylene dichloride-vinyl chloride plant. The test demonstrated control to a level below the proposed limit of 10 ppm. One polyvinyl chloride producer has recently installed a carbon adsorption unit to control vinyl chloride emissions from the monomer recovery system and the blend tanks. During the time in which the unit has been operated, it has gone through more than 700 regenerating cycles, and the vinyl chloride content in the exit gas stream has been reported to be below 10 ppm. In addition, one vendor of activated carbon has submitted data from laboratory studies on the control of vinyl chloride by carbon adsorption. The vendor's conclusions from the studies, based on 15 cycles of operation, were that activated carbon readily adsorbs vinyl chloride in concentrations ranging from 50 ppm to over 300,000 ppm; 100 percent removal of vinyl chloride is technically feasible using dual beds of activated carbon; activated carbon saturated with vinyl chloride can be regenerated in place using either steam or hot nitrogen to desorb the vinylchloride; and no polymerization of vinyl chloride occurs on the bed. Data are available for a solvent absorption unit which controls emissions from the monomer recovery system in a polyvinyl chloride plant to a concentration of 15 ppm; in EPA's judgment, however, this particular system, which is relatively old and was not designed specifically for vinyl chloride control, does not represent the full capability of solvent absorption in reducing vinyl chloride emissions. EPA believes, however, that an updated solvent adsorption unit, as well as an incinerator or a carbon adsorption unit, will be capable of meeting the proposed standard.

The proposed standard limits vinyl chloride emissions from the oxychlorination reactor in ethylene dichloride-vinyl chloride plants ot 0.02 kg/100 kg ethylene dichloride product. Based on individual plants' measurements of vinyl chloride reported to EPA under section 114 of the Clean Air Act, this emission level represents the best available control technology through control of process variables and can be met at most plants by maintaining operations so that the emission rate (kg/100 kg) does not increase. Incinerators or equivalent add-on control technology may have to be used to attain the proposed standard at a maximum of one existing plant which has relatively large emissions (in addition to a few companies which have already installed, or are already planning to install, incinerators).

EPA considered proposing an emission limit for the oxychlorination reactor representing best available control technology by incineration or equivalent control at all plants. This, in conjunction with the proposed emission limits for the other sources in ethylene dichloride-vinyl chloride plants, would reduce the total emissions from the average plant by 97 percent. Incineration has been demonstrated as a method of control for the three major emission sources in ethylene dichloride-vinyl chloride plants. The oxychlorination reactor, however, has a large volume, low hydrocarbon concentration effluent gas stream, and large quantities of supplemental fuel would be required for combustion of its emissions (296,000 million cu. ft. of gas/yr at an average plant). In comparison, combustion of emissions from the other two major emission points would require negligible supplemental fuel. One company has reduced the gas volume from the oxychlorination reactor and the associated energy costs by recycling the process gas stream using oxygen instead of air to feed into the process. A second company is also planning to install this technology. Although the recycling and oxygen feed methodology can be used for two types of oxychlorination reactors, further research would be needed to determine whether this technology can be used for each of the types of processes at all of the plants. A third company is conducting a pilot study on controlling the oxychlorination reactor emissions with catalytic oxidation, another method for reducing the high energy costs. This system has not been used commercially for the oxychlorination reactor, and it is not known at this time whether it will be technically feasible for the plants to use. The oxychlorination reactor represents a relatively small emission source (8 percent of the uncontrolled emissions) at an average plant. EPA concluded that the energy costs of incinerating the large volume, low concentration effluent gas stream from the oxychlorination reactor at the average plant would be grossly disproportionate to the emission reduction achieved, and the measures which are being used or studied for reducing the energy costs are not available for all of the types of oxychlorination processes. Thus, the alternative requiring incineration or equivalent control at all plants was rejected.

Since the oxychlorination reactor does contribute only a small percentage of the total emissions at an average plant, EPA also considered proposing no standard

for it at all. The proposed emission limits for the other two emission points and the fugitive emission sources would still reduce emissions by 90 percent at an average plant. Due to process variables, however, there is a wide range in the reported emissions from the oxychlorination reactor at the various plants from 0.0024 kg/100 kg to 0.106 kg/100 kg ethylene dichloride product (0.0024 lb/100 lb to 0.06 lb/100 lb). In terms of mass emissions per unit time, the emission rates vary between 0.5 to 46.3 kg/hr (1.2 to 103 lb/hr). In EPA's judgment, the energy costs associated with incineration of the emissions from the oxychlorination reactor would not be grossly disproportionate to the emission reduction achieved at those plants with the emission rates at the upper end of this range.

Thus, the proposed emission limit is essentially a cut-off point which requires the plants at the upper end of the range to reduce emissions preferably by instituting process changes, and if this is not possible, by installing incinerators or equivalent add-on control. Based on available data, emissions from the oxychlorination reactor at the majority of the existing plants meeting the proposed standard would be below 4.5 kg/hr (10 lb/hr) and the emissions from no plant would exceed 9.0 kg/hr (20 lb/hr). Although establishing the standard in this way does not result in as great an emission reduction as installation of incinerators or equivalent control for the oxychlorination reactor at all of the plants, the proposed standard is based on a consideration of costs only where the energy costs would be grossly disproportionate to the emission reduction achieved. Furthermore, as technologies using less energy for controlling the oxychlorination reactor are developed, EPA will evaluate the desirability of proposing standards which would require a higher degree of control at all plants.

The proposed standard limits, for polyvinyl chloride plants, the emissions from process equipment following the stripping operation in the manufacture of dispersion resins (except latex resins) to 0.2 kg/100 kg product and in the manufacture of all other resins (including latex resins) to 0.04 kg/100 kg product. One way in which these emission levels can be attained is by reducing the residual vinyl chloride monomer in dispersion resins to 2000 ppm or less and in all other resins to 400 ppm or less during the stripping operation. This reduction must be completed before the resins continue through the processing equipment following the stripper. This type of control is referred to as improved stripping technology. The proposed standard permits averaging of emissions to the extent that the vinyl chloride content in all grades of any one resin type completing the stripping operation at a plant site in one calendar day can be averaged over the 24 hour period. ["Resin type" refers to the broad classification of a resin according to the process by which it is manufactured (e.g. dispersion, suspension, bulk, latex, and solution). "Resin grade" is the subcategory of "resin type" which describes a resin as a unique resin, i.e. the most exact description of a resin with no further subdivision.] These emission levels can also be met by add-on control devices, such as incinerators. EPA discourages use of the add-on control devices, however, because unlike improved stripping they do not result in a lower vinyl chloride content in the polyvinyl chloride resin going to fabricating plants. Furthermore, these devices are far more energy consuming for these particular emission sources than improved stripping technology and achieve no more emission control. In fact, these devices have not been used commercially to control the emissions from most of this particular process equipment, because they are much more expensive for the plants to use than improved stripping technology. In EPA's judgment, however, there is no technical reason why they could not be applied.

In developing the proposed standard for process equipment following the stripper, it was necessary for EPA to make decisions concerning the levels of control which should be required for the various resin types and the desirability of allowing averaging among resin grades. Stripping technology has been used commercially at polyvinyl chloride plants in the past, but the technology has been designed to perform only to the extent necessary to recover raw materials for economic purposes rather than for emission reduction. More recently, as a result of the October 4, 1974, OSHA standard polyvinyl chloride resin producers have been motivated to develop stripping technology to reduce further the vinyl chloride content in resins during the stripping operation. By improving stripping technology producers will not only reduce in-plant exposure levels as required but will also satisfy fabricator demand for resins which have low concentrations of vinyl chloride and thus do not cause the fabricators to be in violation of the OSHA standard. Some companies have devoted more time and resources to improve the effectiveness of stripping as an emission control measure than have other companies. Optimum stripping consists of a set of operating conditions which must be developed experimentally on an individual basis for the many resins. Based on information supplied to EPA by individual companies which have devoted time and resources to develop improved stripping, EPA concluded that technology is currently available to strip the majority of resins, except dispersion resins, to 400 ppm or lower. This same degree of control is achievable through add-on devices.

Some resins are more difficult to strip than other resins due to differences in characteristics such as porosity and heat sensitivity. Whereas current stripping technology can reduce the residual vinyl chloride content in the majority of the resins other than dispersion resins to below 400 ppm (and in some cases far below 400 ppm), it can reduce the vinyl chloride content in a few resins only to levels as high as 4000 ppm. EPA considered proposing a separate standard based on best available control technology for each of the different grades of resin. This could have conceivably been done based on theoretical factors. However, EPA concluded that it would be difficult, if not impossible, to do this, because the reductions that can be achieved depend on a given system and must be determined by actual measurements on a particular resin for a particular set of conditions. The large number of resin grades makes it impractical for EPA to conduct individual testing for each one. Available data indicate that most of the companies produce several grades of resin simultaneously and that when the grades are averaged on a daily basis, the number of resins which can be stripped to lower than 400 ppm is sufficient to offset the few resins which cannot be. The proposed standard allows an averaging time of 24 hours because, if a plant were processing several grades simultaneously and one grade could not be stripped to 400 ppm, the total emissions from stripping all grades to an average of 400 ppm would be no greater than stripping each grade to 400 ppm. The alternative of increasing the averaging time to a week or month was rejected because this would permit higher peak emission levels than averaging on a 24-hour basis.

Since stripping technology is currently in the development stage, it is possible that lower levels of emissions will be achievable before promulgation of the proposed standard. Interested parties are invited to submit, during the comment period, factual data on the status of stripping technology. If data become available which warrant a substantial change in the level of the emission limitation, EPA will announce a revision to the proposed standard in the FEDERAL REGISTER and invite the public to comment on it. Interested persons are also invited to comment on the averaging concept included in the proposal, because EPA recognizes that permitting averaging across resin grades on a daily basis may give an advantage to the larger companies producing a number of resin grades each day.

A separate standard is being proposed for dispersion resins. EPA considered the alternative of proposing the standard so that dispersion resins would have to be stripped to the same level as other resins. For several reasons, however, technology to strip residual vinyl chloride monomer from dispersion resins has not been developed to the same degree as it has for other resins. First, information submitted to EPA under section 114 of the Act indicates that dispersion resins are more difficult to strip with conventional techniques than are other resins, because the higher temperatures which can be applied to other resins destroy the stability of dispersion resins and thus the quality of the product. Second, polyvinyl chloride producers have devoted more research and development time to improving conventional stripping for other resins than to developing new technology for dispersion resins, because dispersion resins represent only about 13 percent of the total production. Furthermore, the incentive to improve stripping to satisfy fabricator demands for low-monomer content product does not exist for dis-

persion resins, because the product has always been low in monomer content as a result of loss of almost all of the residual monomer to the atmosphere during the drying operation which occurs after stripping. In general, the loss in drying dispersion resins is proportionately higher than in drying other resins. For these reasons, technology has not been demonstrated for stripping dispersion resins to the degree that the proposed standard requires other resins to be stripped to (400 ppm). Based on information received under section 114 of the Clean Air Act from individual companies on research and development of stripping technology for dispersion resins, it appears that the most optimistic company will not be able to achieve stripping to levels of 400 ppm for at least four years. Thus, EPA concluded that the time required for research and development of such technology far exceeds the maximum time allowed by section 112 for compliance (two years from the date of promulgation or two and a half years from the date of proposal). Furthermore, this level of control cannot be achieved in the manufacture of dispersion resins by add-on controls, and therefore no options to undeveloped stripping technology would be available for use by the plants. Therefore, this alternative could necessitate closure of dispersion resin plants until the controls could be developed. As already stated, EPA concluded that best available control technology rather than closure of plants would be the approach adopted for the proposed standard.

EPA also considered the alternative of proposing the standard to require a level of stripping which has been demonstrated for all dispersion resin grades at all plants; i.e., essentially no control of emissions from sources following the stripper. This alternative was rejected because, as has already been explained, the polyvinyl chloride companies have just recently begun to improve stripping technology for dispersion resins, and EPA determined that currently used techniques do not represent best control technology. Based on available data, it is judged that by the time the proposed standard must be implemented, improved stripping technology could be available for plants to use. If this alternative were selected as the basis for the proposed standard, it would provide no incentive to further develop existing stripping techniques to control emissions. Furthermore, although they are more costly in terms of energy, environmental, and economic impacts, add-on controls (e.g. incinerators) are available which could be used to reduce emissions to a much lower level than that represented by this alternative.

EPA, therefore, attempted to determine the degree of stripping which could be accomplished for dispersion resins by best control technology. Section 112 requires existing plants to comply with a standard within 90 days of promulgation, but it provides for waivers up to two years (two and a half years from proposal) for control if "steps will be taken during the period of waiver to assure that the health of persons will be protected from imminent endangerment." EPA therefore endeavored to determine the degree of control technology development that is likely over the next two and a half years. Under the authority of section 114 of the Act, EPA contacted the ten companies that manufacture dispersion resins and requested information regarding the degree to which these resins can be stripped with technology developed in the next two and a half years. Two of the companies do not plan to make dispersion resins in the future. Two of the companies responded that they could not reach levels below 6,000 ppm. However, some companies have devoted more time and resources to improve the effectiveness of stripping as an emission control measure than other companies. Three of the companies, which appeared to have devoted more time to research and development of stripping technology for dispersion resins, reported they would be able to strip all resin grades to levels of 2,000 ppm or lower. One of these companies is already stripping each of its resin grades to this level and another of the companies is stripping some of its resin grades to this level. A fourth company, which did not make any predictions, is also stripping some of its resin grades to a level of 2,000 ppm. The predictions of the other two companies ranged between 4,000 and 6,000 ppm depending on the resin grade. Based on information received from all companies that are known to make dispersion resins, it is EPA's judgment that, for dispersion resins, best available control technology through stripping can achieve levels of 2,000 ppm averaged, as for the other resins, on a 24-hour basis. Add-on control devices are capable of reducing emissions to a level equivalent to stripping to 2,000 ppm. Add-on control devices cannot reduce total mass emissions from the equipment following the stripper in dispersion plants as low as they can in the manufacture of other resins, due to the type of dryer which is used at these plants.

EPA considered proposing the standard to allow averaging of residual vinyl chloride concentrations in dispersion resins with those in other resins, so that a plant could compensate for higher levels in dispersion resins by stripping other resins to a lower level. This concept is judged to be inequitable because for some plants dispersion resins compose less than 5 percent of the total resin production and at other plants they compose 60 or more percent. EPA concluded that it would be more reasonable to recognize the significant differences between dispersion resins and other resins and require application of best available control technology to the processing of each.

EPA considered proposing a standard which would require the emissions from slurry blend tanks and inprocess wastewater from equipment following the stripping operation to be controlled by add-on devices as well as by improved stripping technology. One relatively new plant decreased the gas volume of the exit stream from slurry blend tanks by replacing air with nitrogen and enclosing the tanks. A carbon adsorption unit was then installed to control emissions in the reduced gas volume. Although it has not been done by any plant in the industry, there is no technical reason why the inprocess wastewater from centrifuges which follow the stripper cannot be controlled by a water stripper. Such control systems were included in the economic analysis conducted by EPA. The analysis showed that, if plants used improved resin stripping (as opposed to add-on controls) to meet the proposed standard, the costs of these additional systems for slurry blend tanks and inprocess wastewater would be grossly disproportionate to the emission reduction achieved. Based on available information on the emissions from slurry blend tanks after stripping has been used to reduce to 400 ppm the residual vinyl chloride content in the resin produced by an average plant, the addition of an add-on control device would further reduce emissions by approximately 0.5 kg/hr (1 lb/hr), i.e. the device would remove an additional 0.1 percent of the original uncontrolled emissions. Collecting the 0.5 kg/hr would increase the capital costs of control to an average plant by about 19 percent and the annual costs by about 13 percent. Similarly, the installation of an add-on control device in addition to improved stripping for the vinyl chloride in centrifuge water would reduce emissions by no more than the add-on control device for slurry blend tanks, and would increase the capital costs of control to an average plant by about 13 percent and the annual costs by 46 percent. The large increase in annual costs would be due to the large quantity of steam which would be required to remove the vinyl chloride from a large volume, low concentration water stream. Furthermore, if these additional controls were required, plants using add-on control technology would not be able to attain the same level of control as plants using improved stripping technology. The reason for this is that these plants would already be using add-on controls and installing additional add-on controls would have little, if any, effect.

The proposed standard limits the emissions of vinyl chloride from opening of reactors, reactor entry purge, venting inert gases from the reactor, and any other contact of the reactor contents with the abient air, to 0.001 kg/100 kg product. One way the standard may be attained is by a combination of (1) reducing the number of reactor openings by using high pressure water jets, solvent cleaning, or other means to prevent the need to hand-clean reactors and (2) displacing the vinyl chloride with water to a gasholder or recovery system before a reactor is opened. The level of the proposed standard is based on best available control technology as demonstrated by one plant, and there is no apparent reason why the same technology cannot be employed at other plants, except plants which produce bulk resins. This technology cannot be used for postpolymerization reactors in plants producing bulk resins for two reasons. First, the pro-

duction of bulk resin is a dry process and water used to displace the vinyl chloride from the reactor before opening it would cause a contamination problem. Second, since the resin product is air conveyed from the postpolymerization reactor, the reactor is opened to the atmosphere after each batch. Manufacturers of bulk resins can achieve the level of the proposed standard by evacuating the reactor several times and breaking the vacuum with nitrogen. The number of evacuations would depend on the volume of gas in the reactor and the vacuum involved.

A zero emission limit is being proposed for relief discharges which can be prevented. In most cases, such discharges from reactors can be prevented by measures including, but not limited to, properly instrumenting the reactors to detect upset conditions, injecting chemicals to stop the polymerization reaction during upset conditions, venting the reactor contents to a gasholder during upset conditions and ultimately to a recovery system, providing employees with improved training on preventing and handling upset conditions, and utilizing a stand-by source of power. For other pieces of equipment, increasing pressure due to inert gases in the system can be relieved by manual venting to a gasholder or recovery system. The conditions which lead to discharges can also be prevented in most cases by proper handling and transfer of vinyl chloride or materials containing vinyl chloride. Discharges which cannot be avoided by taking such preventive measures, such as those caused by natural disasters, will not be in violation of the proposed standard if the owner or operator notifies EPA within 10 days concerning the nature and cause of the discharge. This notification provision is necessary to permit EPA to investigate the surrounding conditions and determine whether the discharge could have been prevented. For the purposes of the proposed standard, operator error is considered to be preventable.

FUGITIVE EMISSIONS

The proposed standard includes emission limits for all known sources of fugitive emissions and is intended to minimize these emissions to the maximum extent possible with available control technology. Some of the emission limits are numerically defined. Where it is infeasible to state numerical limits, the standard specifies equipment and procedural requirements.

All of the equipment and procedures specified for reducing fugitive emissions, such as removal of vinyl chloride from loading and unloading lines and process equipment before exposure to the atmosphere, displacement of the contents of a sampling flask back to the process during sampling, and capture and control of the emissions, have been used by one or more ethylene dichloride-vinyl chloride or polyvinyl chloride plants and are described in plant responses to inquiries from EPA under the authority of section 114 of the Act.

For fugitive emissions, the proposed standard requires that the vinyl chloride concentration in process equipment greater than or equal to 5500 l (1250 gal) in volume (other than reactors) be reduced to 2 percent by volume at standard pressure and temperature before the equipment is opened to the atmosphere. This can be accomplished by vacuum pump or by displacement with water or inert gases. For process equipment that is smaller than 5500 l (1250 gal) in volume, the proposed standard requires that the amount of vinyl chloride in the equipment be reduced to 110 l (25 gal) at standard pressure and temperature before opening the equipment to the atmosphere. Any vinyl chloride removed from the equipment would have to be ducted through a control system.

A cut-off point which requires that the vinyl chloride be reduced by a greater percentage in the larger pieces of equipment than in the smaller ones was established because: (1) the emissions from opening large equipment are much greater than from opening small equipment, even with the standard in effect, (2) the smaller equipment is not designed to use a vacuum or purge system to remove the vinyl chloride, and in some cases it is not designed to withstand pressure, and (3) at some point the vinyl chloride emissions from disconnecting the extensive equipment needed to remove vinyl chloride from every section of pipe or other piece of small equipment and transfer it to a control system would be greater than the emissions from opening the section of pipe or other small equipment.

The proposed standard includes a more stringent limitation for emissions from opening of reactors than it does for opening of other equipment. The emission limit for opening of reactors (0.001 kg/100 kg product) has already been discussed. The reason for the more stringent limitation for reactors is that, unlike other equipment, the reactors are typically opened on a frequent and routine basis.

The same reasoning explains why the proposed standard includes a separate emission limit for emissions to the atmosphere from disconnecting equipment (hoses, couplings, valves, etc.) used in the transfer of vinyl chloride from storage to transport vessels at ethylene dichloride-vinyl plants and from transport to storage vessels at polyvinyl chloride plants. Although the loading and unloading lines are relatively small in volume compared with some of the other equipment which can be opened to the atmosphere, they are used and disconnected on a frequent and routine basis; i.e., several times per day. The proposed emission limit for each loading and unloading line requires that after each loading or unloading operation before opening any part of the line to the atmosphere, the quantity of vinyl chloride in all parts of the line that are to be opened is to be reduced to 4.4 l (1 gal), at standard temperature and pressure. Four and four tenths liters of vinyl chloride at standard temperature and pressure is equal to about 0.0098 kg (0.022 lb) of vinyl chloride.

The method for attaining the standard would depend on the volume of the equipment to be opened to the atmosphere. If an entire hose is to be disconnected and opened to the atmosphere, the hose could be evacuated. However, more commonly there would be a couple of valves between the hose and the storage (or transport) vessel with a coupling between the valves. In this case, if only the coupling were to be disconnected and opened to the atmosphere, the percent reduction in vinyl chloride required would depend on the volume of the coupling. If it were 4.4 l (1 gal) in volume, it would have to be reduced to 760 mm Hg and if it were 8.8 l (2 gal) in volume, it would have to be reduced to 380 mm Hg.

Also, during loading and unloading operations, the proposed standard would require that the emissions from the discharge end of slip gauges used to measure the vinyl chloride liquid level in transport and storage vessels be captured and ducted to a control system. Essentially, there would be no emissions from slip gauges.

Leaks from seals on rotary pumps can essentially be eliminated by using double mechanical seals or pumps with no seals, such as the type with magnet to magnet drive or a canned pump in which the eddy current passes through the pump fluid. Leaks from seals on reciprocating pumps can be minimized by double outboard seals. Double mechanical seals can be used on agitators and compressors to minimize leaks. The proposed standard includes equipment specifications requiring that these methods, or equivalent, be used to minimize leaks from seals on pumps, compressors, and agitators.

The proposed standard also includes equipment specifications requiring that leaks from relief valves be minimized by installing a rupture disk between each relief valve and the equipment served by the relief valve, or equivalent. An equivalent method of control would be to connect the discharge line from a relief valve to process equipment or to a recovery system. If a rupture disk were used as the method of control, there would be a potential problem if a leak should occur from the rupture disk and cause a build-up of pressure between the rupture disk and the relief valve. This is expected to occur infrequently because the reason for requiring the rupture disk is that it is less likely to leak than a relief valve. Although the proposed standard does not require any specific equipment or procedures to prevent the potential pressure build-up, there are several methods available for the plants to use to avoid this potential problem. These include (1) installing a pressure gauge between the disk and valve and routinely checking the pressure, and (2) installing a ball check excess flow value between the disk and the relief valve and routinely checking for any flow from the ball check excess flow valve.

The proposed standard would require capture and control of emissions of vinyl chloride bearing gases during manual venting from processing equipment. For

example, it would permit no manual venting of vinyl chloride to the atmosphere to reduce the pressure in reactors during upset conditions or to remove inert gases from vessels used to store vinyl chloride. The gases would instead have to be transferred to a gasholder, a recovery system, another piece of equipment (such as another empty reactor), or to a control system. With regard to reducing pressure in reactors during upset conditions, the issue has been raised as to whether permitting manual venting to the atmosphere could result in overall lower emissions than not permitting manual venting to the atmosphere. EPA urges all interested persons to submit factual data bearing on this issue during the comment period.

The proposed standard minimizes vinyl chloride losses from sample flasks during sample acquisition by requiring that the sample be collected in a closed system. Vinyl chloride which could be lost to the atmosphere is instead flushed back to the process using this system.

The proposed standard requires development of and adherence to a formalized program for detection of leaks from equipment in vinyl chloride service and elimination of these leaks. The formalized program must include a multipoint vinyl chloride detector and a portable hydrocarbon detector. Rather than specifying the number of points to be monitored, the sensitivities of the multipoint detector, the vinyl chloride concentration that indicates a leak, and the actions to be taken to repair leaks, the proposed standard requires each plant owner or operator to prepare a program plan containing these specifications and to submit the plan to the Administrator for approval. The plant owner or operator is at the same time required to submit data on background concentrations of vinyl chloride in different areas of the plant to use in determining the vinyl chloride concentration that should be designated as indicating a leak. Since the background concentrations vary among different areas of the plant, the definition of leak may also vary among different areas of the plant. EPA's decision on whether a program is adequate will be based on (1) the date the program will be implemented, (2) the characteristics of the multipoint detor and portable hydrocarbon detector (including the sensitivities of the instruments), (3) the number and location of points to be monitored in comparison with the number of pieces of equipment in vinyl chloride service and the size and physical lay-out of the plant, (4) the proposed frequency of monitoring, (5) the vinyl chloride concentration(s) designated as indicating a leak compared with the background concentrations of vinyl chloride in the plant, and (6) any other information contained in the program plan. This approach has been taken because the number of points which need to be monitored and the background concentrations of vinyl chloride vary depending on the size, configuration and age of a plant and, in the case of a polyvinyl chloride plant, on the number of reactors. Plans, therefore, must be tailored to the design of each individual plant. This approach gives each source the flexibility to develop a plan that it believes to be the most efficient.

The proposed standard includes an emission limit for inprocess wastewater which contains at least 10 ppm by weight vinyl chloride, measured directly as the wastewater stream leaves the process equipment and before it is mixed with wastewater from any other source. This cut-off point was selected because, based on data which are available from polyvinyl chloride plants, it distinguishes between the low volume wastewater streams with high concentrations of vinyl chloride and the large volume wastewater streams with low concentrations of vinyl chloride. In effect, the proposed standard would require control of wastewater streams from pumps used in the monomer recovery system and from monomer recycle tanks where wastewater, which has been entrained with recovered monomer is separated and removed. It would also require control of wastewater which had been used, in accordance with other requirements of the proposed standard, to displace vinyl chloride in equipment before the equipment is opened. It would not require control of wastewater which had been used in the polymerization of vinyl chloride, if improved stripping technology were used to attain the proposed emission limit for the process equipment following the stripper. This wastewater stream was excluded because improved stripping technology indirectly reduces the vinyl chloride content of the wastewater as well as the resin before the wastewater is separated from the resin. However, if an add-on control device is used instead of improved stripping, the combination of all sources of vinyl chloride emissions following the stripping operation in the polyvinyl chloride plant, including inprocess wastewater, is required to meet the total mass emission limit. Thus, in this case, the concentration of vinyl chloride in the inprocess wastewater would not have to be equal to or greater than the 10 ppm cut-off point to be required to be controlled.

The proposed standard for 10 ppm vinyl chloride in the wastewater can be attained by a stripper, which uses heat and/or vacuum to remove vinyl chloride from the water. The proposed standard in effect would require the vinyl chloride which is removed to be recovered by condensing it into a liquid or to be ducted through a control device. Theoretically, by using this method, the vinyl chloride concentration could be reduced to essentially zero. However, as the applied vacuum and heat are increased, the ratio of water to vinyl chloride that vaporizes increases. During the vinyl chloride recovery process, the water as well as the vinyl chloride condenses. Since the water still contains some dissolved vinyl chloride, it would have to be recirculated through the stripper. At some point, as the amount of water which is vaporized is increased, the separation of vinyl chloride from water would be less efficient. For these reasons, the proposed standard is 10 ppm. Although the standard permits some vinyl chloride to remain in the water, it is estimated that the vinyl chloride emissions from the low volume, high concentration water streams at the average plant would not exceed 0.5 kg/hr (1 lb/hr). At ethylene dichloridevinyl chloride plants, strippers are already used as an inherent part of the process to recover ethylene dichloride from wastewater. Vinyl chloride is also removed from the wastewater. The purpose of the proposed standard is to ensure that the practice continues and that any vinyl chloride removed from the wastewater is recovered or controlled.

Format of the Standard

With the exception of emissions following the stripper in dispersion resin manufactures, separate standards have not been established for individual processes or companies. The applicability of carbon adsorption, incineration, or solvent absorption is not dependent on plant age, configuration or type of process.

The proposed standard specifies emission limitations for individual emission points. An alternative would have been to specify a total plant mass emission limit in terms of kg/hr. This is not possible, however, when using the best available control technology approach due to the different sizes and configurations of plants. Implementing best available control technology at different sizes of plants obviously results in different emissions per unit time. EPA also considered specifying the limits in terms of total plant emissions in kg vinyl chloride per kg product to be measured by material balance. This approach was rejected for several reasons. Due to the variations in configurations among plants, an emission factor, which would necessarily result in the application of best available control technology at each plant at all times, could not be developed. Furthermore, either long-term or short-term material balances would have to be used to measure compliance with such a standard. Long-term material balances have the disadvantage of a long averaging time so that short-term peak emissions are not detected. Short-term material balances, on the other hand, are impractical and imprecise due to the large volumes of material which are handled and must be measured, the multiple pieces of equipment in which residual materials would have to be measured, and the large number of points where loss to the atmosphere, inprocess wastewater, and solid waste would have to be measured.

Numerical emission limits are used for each emission point where possible; however, equipment and operating procedures are specified for some of the fugitive emission sources from which emissions cannot be measured or calculated or for which it would be grossly impractical to do so. Generally, the reason that these emissions cannot be measured is that they are released into an unconfined area and often from many small sources, and there is no practical testing procedure for obtaining a reliable read-

ing of emission levels. Where equipment or operating procedures are specified, plant owners or operators are generally permitted to use other equipment or procedures, demonstrated to be of equivalent effectiveness. Primarily because fugitive emissions compose such a large proportion of the total emissions at ethylene dichloride-vinyl chloride and polyvinyl chloride plants, EPA has determined that control of such emissions by specification of equipment and operating procedures is preferable to the alternative of leaving such emissions unregulated.

For example, there are procedural requirements for the reduction of vinyl chloride to a specified concentration in equipment equal to or greater than 5500 1 (1250 gal) in volume before opening it to the atmosphere. Conceptually, EPA could have proposed the standard in terms of a mass emission rate. This could be done by converting the concentration of vinyl chloride to its mass emission equivalents for all sizes of equipment. Mass emissions, however, could not be measured once the pieces of equipment were opened to the atmosphere because the emissions would not be confined. Consequently, if EPA had stated the standard in terms of a mass emission rate, it would have been necessary, in order to be meaningful, to state the method for determining compliance in terms of concentration of vinyl chloride, i.e., in the same terms as the procedural requirement is now stated. Stating the standard itself in terms of concentration is a much more direct approach and the only practical one. For equipment that is less than 5,500 1 (1250 gal) in volume and for loading and unloading equipment, a mass emission limit in terms of liters is proposed. However, this cannot be measured, but must be calculated based on the volume of the equipment and the pressure in the equipment.

The proposed standard includes equipment specifications for leaks from seals on pumps, compressors, and agitators and from relief valves. A numerical standard for emissions from these sources would be impractical to enforce since there is no way to test emissions released into an unconfined area. Even if a testing procedure were available, frequent routine testing of all pump, compressor, and agitator seals and relief valves to determine compliance would be burdensome.

The proposed standard requires that samples of vinyl chloride be collected in a closed system so that any vinyl chloride remaining in the sample flask from previous sampling flows back into the process. Any vinyl chloride flushed through the apparatus in an attempt to collect a representative sample also flows back into the process. Again, numerical emission limits cannot be specified because emissions are released into an unconfined space and cannot be measured. For slip gauges and manual venting, the proposed standard requires that the emissions be captured and ducted through a control system. There is a numerical emission limit specified for the control system.

Another problem requiring special treatment is valve leakage. It would be impossible to avoid all valve leakage. However, valve leakage can be held close to zero if a system of regular valve monitoring is used to detect and repair leaks. If EPA were to specify a numerical limitation of zero, it would be impossible to meet at all times. If EPA were to specify a higher numerical limitation, it would permit more leakage than is necessary. This would be inconsistent with requiring control of vinyl chloride emissions to the level attainable by use of the best available control technology. Therefore, EPA is requiring use of a regular program for leak detection and repair.

In order to reduce the total emissions from reactors by limiting the frequency of openings, the proposed standard for reactor opening loss is specified in terms of a mass emission rate, i.e. kilograms of vinyl chloride per 100 kilograms of polyvinyl chloride produced. If a concentration standard were used, it would provide no incentive for reducing the frequency of reactor openings. Furthermore, the amount of dilution air which could be used to weaken the effect of a concentration standard is difficult to regulate. For these two reasons, EPA concluded that a mass emission rate would be the only effective way to specify the standard.

Due to the intermittent nature of the sources of the emissions, the proposed standard for control systems to which the captured emissions are required to be ducted is in terms of concentration. A major part of the polyvinyl chloride plant is a batch operation which causes intermittent emissions of vinyl chloride. In addition, the fugitive emissions which are required to be captured and ducted to a control system in both ethylene dichloride-vinyl chloride and polyvinyl chloride plants occur only on an intermittent basis. Because of the fluctuating air volumes and mass emission rates, it would be difficult, if not impossible, on the basis of available information, to determine the allowable mass emission rates from these control systems.

The emission limit for the sources following the stripper in polyvinyl chloride plants is stated in two ways which are essentially equivalent in terms of the quanity of emissions they allow. The reason the emission limit is stated in two different ways is that there are two distinctively different ways to control these sources. Different methods of measurement and enforcement are applicable to the two different control methods. If add-on control devices are selected as the method of control, stack testing must be used to measure the emissions from all the multiple sources simultaneously for a minimum of an hour. If improved stripping is selected, the emissions could be measured in the same way. It is difficult, however, to use conventional source testing procedures to establish compliance because of the large number of sources that have to be tested. A typical polyvinyl chloride plant has several slurry blend tanks, centrifuges, dryers, and storage silos. Even if the emissions from each of these sources were determined, the resultant value would not necessarily establish the total emissions since monomer would still be escaping from the resin in bagging operations, warehouses, and railroad tank cars.

Where improved stripping is used, there is a much more practical way for determining compliance. Improved stripping technology controls emissions by removing vinyl chloride from polyvinyl chloride resin before the resin moves through the remaining equipment in the process where the vinyl chloride would otherwise be emitted to the atmosphere. Therefore, the simplest way to determine total emissions is to measure the vinyl chloride in the resin as it leaves the stripper and before it is released to the atmosphere. Thus, if add-on control devices are used, the proposed standard is stated in terms of mass emissions to the atmosphere; if improved stripping is used, the proposed standard is stated in terms of the quantity of vinyl chloride in the polyvinyl chloride resin leaving the stripper. In both cases, the standard is stated in terms of a cumulative emission limit for all sources following the stripper to be consistent with the primary technology on which the standard is based (i.e. stripping).

Another reason the emission limit for sources following the stripper is stated in two ways is the necessity for two different averaging times. For reasons already explained, a 24-hour averaging time is desirable if improved stripping technology is selected as the means of control. Determination of emissions by measuring the vinyl chloride in stripped resin is amenable to this averaging time. If add-on controls are used, however, the 24-hour averaging time does not have the same value. If only one emission limit were given, and it were stated in terms of allowable mass emissions with a 24-hour averaging time, any plants using add-on control devices to meet the proposed standard would have to test emissions from each stack for 24 hours instead of a minimum of one hour, as is required under the proposed standard. This would be unduly burdensome for these plants.

Stating the emission limits in two different ways potentially allows plants using add-on control devices to emit slightly more emissions than plants using improved stripping technology. The two emission limits are equivalent if it is assumed that all residual vinyl chloride in the resin leaving a stripper is emitted into the atmosphere at the polyvinyl chloride plant. In fact, however, a small proportion of the vinyl chloride might be left in the resin when it leaves the plant. The discrepancy between emissions allowed by the two emission limits could be avoided by proposing one standard based on emissions into the atmosphere. For plants using improved stripping, the method for determining compliance would be to measure the vinyl chloride in the resin leaving the stripping operation and in the same resin as it leaves the plant; the difference between these

measurements would be emissions to the atmosphere between these two points. This method, however, creates enforcement problems, because the resin which is stripped in one batch is typically blended with stripped resin from other batches, and it would be difficult, if not impossible, to trace a batch all the way through the process. Complicating this problem would be the fact that the resin may be stored at the plant for some time before it is shipped. For these two reasons, it would be difficult, if not impossible, to correlate measurements of resin leaving the stripper with those from resin leaving the plant, and EPA would therefore not be able to determine the emissions from any one batch. In addition to that, the concentrations of vinyl chloride in the resin, both in the stripper and in the product leaving the plant, would have to be averaged over a long time (more than the proposed 24 hours). The long averaging time would not be desirable because it would permit more emission peaks and it would be more cumbersome to enforce. EPA concluded, therefore, that the most practical and direct approach is to limit the concentration of vinyl chloride in the resin from the stripping operation. It should be pointed out that EPA has determined that this is an emission limitation; since residual vinyl chloride monomer left in the resin after stripping would be emitted into the atmosphere at some point, the limitation on residual vinyl chloride monomer in the resin limits emissions and is, therefore, an emission limitation; it is simply specified in a form which is compatible with the only practical method for determining compliance.

To simplify enforcement, the proposed standard for the inprocess wastewater is specified in terms of concentration of vinyl chloride rather than in mass emission limits. If it were specified in terms of mass emission limits, not only the vinyl chloride concentration but also the water flowrates from each of the pieces of process equipment would have to be measured. Due to the large number of pieces of equipment involved, this would not be practical.

Testing, Reporting, Recordkeeping

Provisions which specify the requirements for testing, reporting, and recordkeeping are included in the proposed standard. The purpose of these requirements is to determine compliance with the proposed standard.

Emission Tests

Test Method 106 is proposed as a reference method primarily for measuring vinyl chloride emissions from stacks. Portable hydrocarbon detectors or Method 106 can be used, except for postpolymerization reactors in the manufacture of bulk resins, to determine the degree to which vinyl chloride has been removed from equipment prior to opening the equipment to the atmosphere. For postpolymerization reactors in the manufacture of bulk resins, these test methods are not appropriate because the reactor would be partially filled with polyvinyl chloride resin at the time the vinyl chloride concentration within it would have to be tested. Therefore, the proposed standard includes provisions for calculating emissions due to opening of the postpolymerization reactors. Test Method 107 is proposed as a reference method for measuring the vinyl chloride content of polyvinyl chloride resin and inprocess wastewater. Multipoint vinyl chloride detectors and portable hydrocarbon detectors are proposed as methods for detecting leaks from process equipment. The proposed standard also includes a requirement that stack emissions be measured on a continuing basis with a vinyl chloride detector. This vinyl chloride detector may be the multipoint vinyl chloride detector required for leak detection, but does not have to be. Vinyl chloride in the samples collected by the detector can be measured by gas chromatography, or if it is assumed that all hydrocarbons measured are vinyl chloride, by infrared spectrophotometry or flame ion detection. The proposed standard allows, upon approval by EPA, the use of equivalent or alternative test methods.

Reporting

There are reporting requirements in the general provisions of Part 61 of the Code of Federal Regulations which would apply to the sources subject to the vinyl chloride standard. In addition, there are several different kinds of reports required by the proposed standard.

First, an owner or operator must submit to EPA an initial written report containing a record of emissions from the sources from which emissions can be measured using Test Method 106. These sources include ethylene dichloride purification, vinyl chloride formation and purification, and the oxychlorination reactor in ethylene dichloride-vinyl chloride plants and reactors; strippers; monomer recovery systems; and mixing, weighing, and holding containers in polyvinyl chloride plants. Compliance with the emission limitations for reactor opening loss and the sources following the stripper in polyvinyl chloride plants must be demonstrated using appropriate test methods. Measurements of the vinyl chloride concentrations in the inprocess wastewater at both ethylene dichloride-vinyl chloride and polyvinyl chloride plants are also required as part of the initial emission testing.

For those sources which have emissions which cannot be measured (fugitive emission sources), an initial report is required containing a written statement to the effect that certain pieces of equipment have been installed and are operating. These include equipment for minimizing leaks from seals on pumps, compressors, and agitators and from relief valves and equipment used for monitoring leaks. Also required is a written statement to the effect that certain procedures have been incorporated into a standard operating procedure and are being implemented. These include such procedures as removing vinyl chloride from equipment and from loading and unloading lines before opening them to the atmosphere and venting the vinyl chloride removed from the equipment or lines to a control system, venting vinyl chloride from slip gauges during loading or unloading operations to a control system, ducting vinyl chloride emissions from manual venting to a control system, purging the vinyl chloride in each sample flask back to the process during vinyl chloride sampling, and detecting and repairing leaks.

A semi-annual report is required which is to contain a record of any emissions in excess of the proposed standard for the formation and purification processes in ethylene dichloride-vinyl chloride plants and the reactor; stripper; monomer recovery system; and containers used for mixing, weighing or holding preceding the stripper in polyvinyl chloride plants. These emissions must be measured by a vinyl chloride detector. The vinyl chloride detector reports measurements of vinyl chloride in terms of concentration. Except for the emission limit for the oxychlorination reactor, the emission limits for all the sources for which continuing measurements of vinyl chloride with a detector are required are stated in terms of concentration. The emission limit for the oxychlorination reactor is stated in terms of mass per unit product. For the oxychlorination reactor, the vinyl chloride detector can be used to measure emissions at the same time that the initial stack test is being conducted using Test Method 106. The results of that test can then be used as a guideline in the future to determine whether the emissions measured on a continuing basis with the vinyl chloride detector are in excess of the standard.

For polyvinyl chloride plants, the semi-annual report is also required to contain measurements of emissions from reactor opening and, if improved stripping is selected as the control technology to attain the standard, from the sources following the stripper. Measurements of emissions from these two sources are required on a continuing basis because the control technologies required for these two sources are primarily procedures rather than control devices. Attainment of the standard for reactor opening would require a reduction in the number of reactor openings in addition to displacing the vinyl chloride from the reactor before opening. One emission test, made within 90 days of promulgation of the standard, would give no assurance that the standard was being met on a continuing basis. With regard to stripping, the primary limitations on the degree of stripping being carried out are product degradation and processing time as its affects production rate. The degree of stripping is more a function of operating parameters than of the specific equipment being used. For this reason, even if all the equipment for stripping is installed and operated, routine measurements must be made to ensure that the degree of stripping required by the emission limitation

is being carried out on a continuing basis.

For both reactor opening and improved stripping, it is possible that the relationship between the emissions measured and the corresponding operating procedures used to attain the emissions measured can be established. For improved stripping, for example, it may be established that for a given resin grade, a given set of operating conditions (temperature, residence time, and pressure) will result in a certain concentration of vinyl chloride in the resin which is far below the standard. Likewise, for reactor opening, it may be established that a given procedure such as water displacement coupled with a given frequency of reactor opening will result in an emission level below the standard. The general provisions and the proposed standard provide for waiver of emission tests and use of alternative or equivalent test methods. Under the authority of these provisions, EPA could, on an individual basis, permit a plant to record certain parameters (such as temperature, residence time, and pressure for improved stripping) rather than emission measurements.

Any relief discharge must be reported within ten days of its occurrence. These reports will be used to determine compliance and will permit EPA to study the circumstances surrounding the discharge to determine whether the discharge could have been prevented.

Recordkeeping

Each owner or operator is also required to keep records of certain information. It is EPA's intention to require little recordkeeping in addition to that which would normally be kept by the plants.

For example, the proposed standard would require keeping records of the concentrations of vinyl chloride measured by the vinyl chloride detector(s). Printouts from the vinyl chloride detector(s) are adequate to meet this requirement. Information on detection and repair of leaks is required to be kept in log books. The purpose of this recordkeeping is to document that the procedures detailed in the program for leak detection and elimination are being corried out. There is also a requirement for keeping records of the temperatures and pressures during reactor operation. Printouts from sensor instruments are adequate to meet this requirement. These records can be used by EPA to determine occurrence of a discharge from relief valves.

Other Methods for Determining Compliance

In addition to the requirements for tests, reports and recordkeeping, EPA has at anytime the authority under section 114 of the Clean Air Act to require emission tests; inspect equipment, operation procedures, or records; or obtain other information as necessary to determine compliance with the standard. For example, an authorized representative of the Administrator of EPA may inspect the seals on pumps, inspect or observe the implementation of a Standard Operating Procedure for removing vinyl chloride from a piece of equipment before opening it, etc.

Polyvinyl Chloride Particulate

EPA considered establishing an emission limit for polyvinyl chloride particulate. Polyvinyl particulate is essentially the product resin which is lost from process equipment, such as dryers, storage bins and silos, bulk loading operations and baggers, and from resin transfer equipment at polyvinyl chloride plants. There are two potential health problems related to exposure to polyvinyl chloride particulate. First, polyvinyl chloride particulate can be a source of vinyl chloride emissions. Second, studies of people occupationally exposed to polyvinyl chloride particulate and animals exposed experimentally to polyvinyl chloride particulate have indicated that the particulate may possibly cause pneumoconiosis.

Vinyl chloride emissions due to polyvinyl chloride particulate would be due to the fact that it contains residual vinyl chloride monomer. The amount of residual vinyl chloride in the particulate is dependent on the physical properties (size and porosity) of the product being manufactured and the degree to which residual vinyl chloride has been stripped from the product before it reaches the dryer and as it goes through the dryer. The amount of residual vinyl chloride released from the particulate once it is in the environment has not been quantified.

The proposed standard would indirectly reduce the potential problem which may be associated with emissions of residual vinyl chloride from the particulate through the control techniques (improved stripping or add-on controls) which would be used to attain the proposed emission limit for the sources following the stripper. EPA evaluated the degree to which existing control equipment and the proposed standard would reduce this particulate problem. This was done by calculating the maximum quantity of vinyl chloride which could be emitted by the particulate. For the purposes of this calculation, it was assumed that an atypically large plant, equipped with the lowest efficiency particulate control reported by the plants to EPA, emitted particulate containing the maximum quantity of vinyl chloride possible if improved stripping were used to meet the proposed standard. Based on this calculation, it was estimated that the maximum vinyl chloride emissions from the polyvinyl chloride particulate would be less than a tenth of a kilogram per hour or a fraction of a percent of the estimated total vinyl chloride emission rate from the same plant in compliance with the proposed standard. (If the plant used add-on controls instead of improved stripping to comply with this standard, the vinyl chloride emission rate from the particulate would be even lower, because the add-on control equipment would indirectly result in better particulate control). Therefore, with regard to the potential problem of polyvinyl chloride particulate as a source of vinyl chloride emissions, EPA has determined that the indirect impact of the proposed standard on vinyl chloride emissions from the particulate makes direct regulation of the particulate unnecessary.

With regard to the potential problem of polyvinyl chloride particulate as a possible cause of pneumoconiosis, NIOSH is currently involved in experimental studies on the effects of the particulate on animals. The extent of public exposure (as opposed to occupational exposure) to ambient concentrations of the particulate is unknown at this time. Ambient measurements of polyvinyl chloride particulate have not been made by EPA in the vicinity of industrial sources because no technology is currently available for separating polyvinyl chloride particulate from total suspended particulate. Most polyvinyl chloride plants are already equipped with relatively high efficiency particulate control devices. As data become available from NIOSH and other sources on the health effects of polyvinyl chloride particulate, however, EPA may find that it is necessary to reevaluate the need to propose regulations for polyvinyl chloride particulate.

Impacts

The Energy Supply and Environmental Coordination Act of 1974 exempted proposed actions under the Clean Air Act from the requirements of the National Environmental Policy Act (NEPA) of 1969 that Federal agencies prepare environmental impact statements on major Federal actions significantly affecting the quality of the human environment. EPA has concluded, however, that voluntary preparation of environmental impact statements would be beneficial for some regulatory actions and has, therefore, prepared such a statement for the proposed vinyl chloride standard. However, this voluntary preparation of environmental impact statements in no way legally subjects EPA to NEPA requirements

The beneficial, or primary, environmental impacts of the proposed standard would be reductions in vinyl chloride emissions from ethylene dichloride-vinyl chloride and polyvinyl chloride plants, and consequently, corresponding reductions in ambient air concentrations of vinyl chloride and risks to health in the vicinity of these sources. Although the proposed standard would not eliminate all vinyl chloride emissions, it would further the protection of public health by minimizing emissions. For a typical average-sized ethylene dichloride-vinyl chloride plant, the proposed standard would reduce hourly vinyl chloride emissions from 176 kg to 10kg. This is approximately a 94 percent reduction. For a typical average-sized polyvinyl chloride plant, the hourly vinyl chloride emissions would be reduced from 330 kg to 16 kg, or by approximately 95 percent. Percentage numbers for both source categories are based on an estimated 90 percent reduction in fugitive emissions.

There are several potential adverse, or secondary, environmental impacts of the proposed standard. These include in-

creased atmospheric emissions of hydrogen chloride, lowered pH of inprocess wastewater due to hydrogen chloride, increased water consumption, small increases in the quantity of vinyl chloride released into inprocess wastewater, increased solid waste disposal due to carbon used for adsorption and increased energy consumption. The types and degree of the secondary impacts resulting from the proposed standard would vary from plant to plant depending on the type of control selected to meet the standard.

The potential secondary or adverse environmental impacts of the proposed standard are either insignificant or will be minimized without additional action, except for two. First, EPA is currently investigating the impact of the proposed standard and its effects of increasing water consumption and lowering the pH of plant effluent on the current effluent regulations, and will make adjustments to the effluent regulations as deemed necessary by the study. Second, hydrogen chloride is already emitted by process equipment at ethylene dichloride-vinyl chloride plants and by other petrochemical plants in the complexes where ethylene dichloride-vinyl chloride plants are typically located. An incinerator used to attain the proposed standard at an ethylene dichloride-vinyl chloride plant could increase its hydrogen chloride emission by several fold. Typically, however, due to the corrosion problems which would otherwise occur both on plant property and in the community, plants use scrubbers to control already existing hydrogen chloride emissions. Hydrogen chloride emissions resulting from control of vinyl chloride emissions are expected to also be controlled for the same reason. If even a moderately efficient scrubber (98 percent control) were used to control the hydrogen chloride emissions resulting from incineration of vinyl chloride emissions, the increase in hydrogen chloride emissions from a typical ethylene dichloride-vinyl chloride plant due to the proposed standard would be reduced to 35 percent. However, since diffusion model results indicate that under "worst-case" meteorological conditions, the hydrogen chloride emissions from the process equipment and the incinerator combined would cause maximum ambient concentrations of hydrogen chloride in the vicinity of ethylene dichloride-vinyl chloride plants to be in the same range or somewhat higher than existing foreign standards and National Academy of Sciences (NAS) guidelines for public exposure, EPA plans to further evaluate the need to control hydrogen chloride emissions. NAS is currently preparing a report on the health effects of hydrogen chloride for EPA. A final draft of that report is scheduled for completion by the end of 1975. At that time, EPA will assess the hydrogen chloride problem.

In accordance with Executive Order 11821 and OMB Circular A-107, EPA has carefully evaluated the economic and inflationary impacts of the proposed standard. The economic analysis is contained in the "Standard Support and Environmental Impact Statement" and includes the costs of control systems which can be used to attain the proposed standard and alternative control levels and the impact of these costs on the vinyl chloride industries and the public consumer. The total capital cost for existing plants to meet the proposed standard is $198 million and the total annualized cost is $70 million.

Also, included in the economic analysis were the costs of the EPA water effluent guideline limitations which the plants will be subject to in 1983 and the OSHA standard for vinyl chloride. The total capital cost for existing plants to meet the EPA water effluent guideline limitations is $83 million and the total annualized cost is $17 million. The costs to the industry of meeting the OSHA standard cannot be quantified at this time, but they are expected to overlap to some degree with the costs to meet the fugitive emission regulations. The capital cost of meeting the fugitive emission regulations is $37 million and the annualized cost is $25 million.

The proposed standard would not deter construction of new ethylene dichloride-vinyl chloride plants or most types of new polyvinyl chloride plants. For one type of polyvinyl chloride plant (dispersion process) that represents 13 percent of the industry production, the proposed standard would significantly deter the construction of new plants that have capacities of less than 45 million kg/yr (100 million lb/yr) but would not deter construction of plants larger than 45 million kg/yr. Total costs for attainment of the proposed standard and the effluent limitations are estimated to result in the closing of no ethylene dichloride-vinyl chloride plants and four small polyvinyl chloride plants. These four plants are estimated to employ 30 people and account for approximately 0.5 percent of existing industry capacity. It is estimated that the four plant closures resulting from imposition of the proposed standard would have occurred if only the costs of fugitive emission controls were imposed.

It is estimated that the price of polyvinyl chloride resins would rise by approximately 7.3 percent in order to maintain precontrol profitability and also to recover the total annualized control costs necessitated by the proposed standard at ethylene dichloride-vinyl chloride plants and polyvinyl chloride plants. This increase is estimated to translate into a maximum consumer price increase in goods fabricated from polyvinyl chloride resins of approximately 3.5 percent. Recovery of effluent annualized costs plus maintenance of precontrol profitability is estimated to add approximately 2 percent to polyvinyl chloride resin prices and result in an additional maximum consumer price increase of 1 percent.

The notice of proposed rulemaking is issued under the authority of sections 112 and 114 of the Clean Air Act, as amended Pub. L. 91-604 (42 U.S.C. 1857c-7, 1857c-9).

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

Dated: December 16, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart F—National Emission Standard for Vinyl Chloride

§ 61.60 Applicability.

This subpart applies to plants which produce:

(a) ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene.

(b) vinyl chloride by any process, and/or

(c) one or more polymers containing any fraction of polymerized vinyl chloride.

§ 61.61 Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

(a) "Ethylene dichloride plant" includes any plant which produces ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene.

(b) "Vinyl chloride plant" includes any plant which produces vinyl chloride by any process.

(c) "Polyvinyl chloride plant" includes any plant where vinyl chloride alone or in combination with other materials is polymerized.

(d) "Slip gauge" means a gauge which has a probe that moves through the gas/liquid interface in a storage or transfer vessel and indicates the level of vinyl chloride in the vessel by the physical state of the material the gauge discharges.

(e) "Type of resin" means the broad classification of resin referring to the basic manufacturing process for producing that resin, including, but not limited to, the suspension, dispersion, latex, bulk, and solution processes.

(f) "Grade of resin" means the subdivision of resin classification which describes it as a unique resin, i.e., the most exact description of a resin with no further subdivision.

(g) "Dispersion resin" means a resin manufactured in such a way as to form fluid dispersions when dispersed in a plasticizer or plasticizer/diluent mixtures.

(h) "Latex resin" means a resin which is produced by a polymerization process which initiates from free radical catalyst sites and is sold undried.

(i) "Bulk resin" means a resin which is produced by a polymerization process in which no water is used.

(j) "Inprocess wastewater" means any water which, during manufacturing or processing, comes into direct contact with vinyl chloride or polyvinyl chloride or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product containing vinyl chloride or polyvinyl chloride but which has not been discharged to a wastewater treatment process or discharged untreated as wastewater.

(k) "Wastewater treatment process" includes any process which modifies characteristics such as BOD, COD, TSS, and pH, usually for the purpose of meeting effluent guidelines and standards; it does not include any process the purpose of which is to remove vinyl chloride from water to meet requirements of this subpart.

(l) "In vinyl chloride service" means that a piece of equipment contains either a liquid that is at least 10 percent by weight vinyl chloride or a gas that is at least 10 percent by volume vinyl chloride.

(m) "Vinyl chloride detector" means a device which obtains air samples from one or more points on a continuous sequential basis and analyzes the samples with gas chromatography or, if the owner or operator assumes that all hydrocarbons measured are vinyl chloride, with infrared spectrophotometry, flame ion detection, or an equivalent or alternative method.

(n) "Portable hydrocarbon detector" means a device which measures hydrocarbons with a sensitivity of at least 5 ppm and is of such design and size that it can be used to measure emissions from localized points.

(o) "Standard operating procedure" means a formal written procedure officially adopted by the plant owner or operator and available on a routine basis to those persons responsible for carrying out the procedure.

(p) "Run" means the net period of time during which an emission sample is collected.

(q) "Ethylene dichloride purification" includes any part of the process of ethylene dichloride production which follows ethylene dichloride formation and in which finished ethylene dichloride is produced.

(r) "Vinyl chloride purification" includes any part of the process of vinyl chloride production which follows vinyl chloride formation and in which finished vinyl chloride is produced.

(s) "Reactor" includes any vessel in which vinyl chloride is partially or totally polymerized into polyvinyl chloride.

(t) "Reactor opening loss" means the emissions of vinyl chloride occurring when a reactor is vented to the atmosphere for any purpose other than an emergency relief discharge as defined in § 61.65(a).

(u) "Stripper" includes any vessel in which residual vinyl chloride is removed from polyvinyl chloride resin, except bulk resin, in the slurry form by the use of heat and/or vacuum. In the case of bulk resin, stripper includes any vessel which is used to remove residual vinyl chloride from polyvinyl chloride resin immediately following the polymerization step in the plant process flow.

§ 61.62 Emission standard for ethylene dichloride plants.

An owner or operator of an ethylene dichloride plant shall comply with the requirements of this section and § 61.65.

(a) Ethylene dichloride purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in ethylene dichloride purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(b) Oxychlorination reactor: Except as provided in § 61.65(a), emissions of vinyl chloride to the atmosphere from each oxychlorination reactor are not to exceed 0.02 kg/100 kg (0.02 lb/100 lb) of the 100 percent ethylene dichloride product from the oxychlorination process.

§ 61.63 Emission standard for vinyl chloride plants.

An owner or operator of a vinyl chloride plant shall comply with the requirements of this section and § 61.65.

(a) Vinyl chloride formation and purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in vinyl chloride formation and/or purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

§ 61.64 Emission standard for polyvinyl chloride plants.

An owner or operator of a polyvinyl chloride plant shall comply with the requirements of this section and § 61.65.

(a) Reactor: The following requirements apply to reactors:

(1) The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each reactor is not to exceed 10 ppm, except as provided in paragraph (a)(2) of this section and § 61.65(a).

(2) The reactor opening loss from each reactor is not to exceed 0.001 kg vinyl chloride/100 kg (0.001 lb vinyl chloride/100 lb) of polyvinyl chloride product, with the product determined on a dry solids basis. This requirement applies to any vessel which is used as a reactor or as both a reactor and a stripper. In the bulk process, the product means the gross product of prepolymerization and postpolymerization.

(b) Stripper: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each stripper is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(c) Mixing, weighing, and holding containers: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each mixing, weighing, or holding container in vinyl chloride service which precedes the stripper (or the reactor if the plant has no stripper) in the plant process flow is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(d) Monomer recovery system. The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each monomer recovery system is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(e) Sources following the stripper(s): The following requirements apply to emissions of vinyl chloride to the atmosphere from the combination of all sources following the stripper(s) [or the reactor(s) if the plant has no stripper(s)] in the plant process flow, including but not limited to, centrifuges, concentrators, blend tanks, filters, dryers, conveyor air discharges, baggers, storage containers, and inprocess wastewater:

(1) In polyvinyl chloride plants using stripping technology to control vinyl chloride emissions, the weighted average residual vinyl chloride concentration in all grades of polyvinyl chloride resin processed through the stripping operation on each calendar day, measured as the resin leaves the stripper, may not exceed:

(i) 2000 ppm for polyvinyl dispersion resins, excluding latex resins;

(ii) 400 ppm for all other polyvinyl chloride resins, including latex resins, averaged separately for each type of resin; or

(2) In polyvinyl chloride plants controlling vinyl chloride emissions with technology other than stripping or in addition to stripping, emissions of vinyl chloride to the atmosphere may not exceed:

(i) 0.20 kg/100 kg (0.20 lb/100 lb) product from the stripper(s) [or reactor(s) if the plant has no stripper(s)] for dispersion polyvinyl chloride resins, excluding latex resins, with the product determined on a dry solids basis;

(ii) 0.04 kg/100 kg (0.04 lb/100 lb) product from the strippers [or reactor(s) if the plant has no stripper(s)] for all other polyvinyl chloride resins, including latex resins, with the product determined on a dry solids basis.

§ 61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.

An owner or operator of an ethylene dichloride, vinyl chloride, and/or polyvinyl chloride plant shall comply with the requirements of this section.

(a) Relief valve discharge: Except for an emergency relief discharge, there is to be no discharge to the atmosphere from any relief valve on any equipment in vinyl chloride service. An emergency relief discharge means a discharge which could not have been avoided by taking all available measures to prevent the discharge. Within 10 days of any relief valve discharge, the owner or operator of the source from which the relief valve discharge occurs shall submit to the Administrator a report in writing containing information on the source, nature and cause of the discharge, the date and time of the discharge, the approximate total vinyl chloride loss during the discharge, the method used for determining the vinyl chloride loss, the action that

was taken to prevent the discharge, and measures adopted to prevent future discharges.

(b) Fugitive emission sources:

(1) Loading and unloading lines: Vinyl chloride emissions from loading and unloading lines are to be minimized as follows:

(i) After each loading or unloading operation and before opening a loading or unloading line to the atmosphere, the quantity of vinyl chloride in all parts of each loading or unloading line that are to be opened to the atmosphere is to be reduced so that the parts combined contain no greater than 4.1 l (1 gal) of vinyl chloride, as standard temperature and pressure; and

(ii) Any vinyl chloride removed from a loading or unloading line in accordance with paragraph (b)(1)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(2) Slip gauges: During loading or unloading operations, the vinyl chloride emissions from each slip gauge in vinyl chloride service are to be minimized by ducting any vinyl chloride discharged from the slip gauge through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(3) Leakage from pump, compressor, and agitator seals:

(i) Rotating pumps: Vinyl chloride emissions from seals on all rotating pumps in vinyl chloride service are to be minimized by installing sealless pumps, pumps with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(ii) Reciprocating pumps: Vinyl chloride emissions from seals on all reciprocating pumps in vinyl chloride service are to be minimized by installing double outboard seals, or equivalent as provided in § 61.66. If double outboard seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(iii) Compressor: Vinyl chloride emissions from seals on all compressors in vinyl chloride service are to be minimized by installing compressors with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(iv) Agitator: Vinyl chloride emissions from seals on all agitators in vinyl chloride service are to be minimized by installing agitators with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(4) Leakage from relief valves: Vinyl chloride emissions due to leakage from each relief valve on equipment in vinyl chloride service are to be minimized by installing a rupture disk between the equipment and the relief valve, or equivalent as provided in § 61.66.

(5) Manual venting of gases: All gases which are manually vented from equipment in vinyl chloride service are to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(6) Opening of equipment: Vinyl chloride emissions from opening of equipment are to be minimized as follows:

(i) Before opening any equipment for any reason, the quantity of vinyl chloride is to be reduced so that the equipment contains no more than 2.0 percent by volume vinyl chloride or 110 l (25 gal) of vinyl chloride, whichever is larger, at standard temperature and pressure; and

(ii) Any vinyl chloride removed from the equipment in accordance with paragraph (b)(6)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(7) Sample flask: There are to be no vinyl chloride emissions to the atmosphere due to the vinyl chloride left in any sample flask after an analysis is made or due to the vinyl chloride passed through any flask during sampling in order to obtain a representative sample.

(8) Leak detection and elimination: Vinyl chloride emissions due to leaks from equipment in vinyl chloride service are to be minimized by instituting and implementing a formal leak detection and elimination program. The owner or operator shall submit a description of the program to the Administrator for approval. The program is to be submitted within 45 days of the effective date of these regulations, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the program is to be submitted on a date scheduled by the Administrator. Approval of a program will be granted by the Administrator provided he finds:

(i) It includes a reliable and accurate vinyl chloride detector for detection of major leaks and identification of the general area of the plant where a leak is located,

(ii) It includes a reliable and accurate portable hydrocarbon detector to be used routinely to find small leaks and to pinpoint the major leaks indicated by the vinyl chloride detector,

(iii) It provides for an acceptable calibration and maintenance schedule for the vinyl chloride detector and portable hydrocarbon detector,

(iv) The location and number of points to be monitored and the frequency of monitoring provided for in the program are acceptable when they are compared with the number of pieces of equipment in vinyl chloride service and the size and physical layout of the plant,

(v) It contains an acceptable plan of action to be taken when a leak is detected, and

(vi) It contains a definition of leak which is acceptable when compared with the background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride detector. Measurements of background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride detector are to be included with the description of the program. The definition of leak for a given plant may vary among the different areas within the plant and is also to change over time as background concentrations in the plant are reduced.

(9) Inprocess wastewater: Vinyl chloride emissions to the atmosphere from inprocess wastewater are to be reduced as follows:

(i) The concentration of vinyl chloride in each inprocess wastewater stream immediately as it leaves a piece of equipment and before being mixed with any other inprocess wastewater stream is to be reduced by 10 ppm by weight before being exposed to the atmosphere, or before being discharged to a wastewater treatment process or discharged untreated as a wastewater. This paragraph does apply to water which is used to displace vinyl chloride from equipment before it is opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section, but does not apply to water which is used to wash out equipment after the equipment has already been opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section.

(ii) Any vinyl chloride removed from the inprocess wastewater in accordance with paragraph (b)(9)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(c) The requirements in paragraphs (b)(1), (b)(2), (b)(5), (b)(6), (b)(7) and (b)(8) of this section are to be in-

corporated into a standard operating procedure, and made available upon request for inspection by the Administrator. The standard operating procedure is to include provisions for measuring the vinyl chloride in equipment ≥ 550 l (1250 gal) in volume for which an emission limit is prescribed in § 61.65(b)(6)(i) prior to opening the equipment and using Test Method 106, a portable hydrocarbon detector, or an equivalent or alternative method. The method of measurement is to meet the requirements in § 61.67(g)(5)(i)(A) or (g)(5)(i)(B).

§ 61.66 Equivalent equipment and procedures.

Upon written application from an owner or operator, the Administrator may approve use of equipment or procedures which have been demonstrated to his satisfaction to be equivalent in terms of reducing vinyl chloride emissions to the atmosphere to those prescribed for compliance with a specific paragraph of this subpart.

§ 61.67 Emission tests.

(a) Unless a waiver of emission testing is obtained under § 61.13, the owner or operator of a source to which this subpart applies shall test emissions from the source.

(1) Within 90 days of the effective date in the case of an existing source or a new source which has an initial startup date preceding the effective date, or

(2) Within 90 days of startup in the case of a new source, initial startup of which occurs after the effective date.

(b) The owner or operator shall provide the Administrator at least 30 days prior notice of an emission test to afford the Administrator the opportunity to have an observer present during the test.

(c) Any emission test is to be conducted while the equipment being tested is operating at the maximum production rate at which the equipment will be operated and under other relevant conditions as may be specified by the Administrator based on representative performance of the source.

(d) Each emission test is to consist of three runs. For the purpose of determining emissions, the average of results of all runs is to apply.

(e) All samples are to be analyzed, and vinyl chloride emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

(f) The owner or operator shall retain at the plant and make available, upon request, for inspection by the Administrator, for a minimum of 2 years records of emission test results and other data needed to determine emissions.

(g) Unless otherwise specified, the owner or operator shall use test Test Methods in Appendix B to this part for each test as required by paragraphs (g)(1), (g)(2), (g)(3), (g)(4), and (g)(5) of this section, unless an equivalent method or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) Test Method 106 is to be used to determine the vinyl chloride emissions from any source for which an emission limit is prescribed in §§ 61.62(a) or (b) § 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or from any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in §§ 61.65(b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii).

(i) For each run, one sample is to be collected. The sampling site is to be at least two stack or duct diameters downstream and one half diameter upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. For a rectangular cross section an equivalent diameter is to be determined from the following equation:

$$\text{equivalent diameter} = 2\,\frac{(\text{length})\,(\text{width})}{\text{length} + \text{width}}$$

The sampling point in the duct is to be at the centroid of the cross section. The sample is to be extracted at a rate proportional to the gas velocity at the sampling point. The sample is to be taken over a minimum of one hour, and is to contain a minimum volume of 50 liters corrected to standard conditions.

(ii) For those emission sources where combustion is used to reduce vinyl chloride emissions, the concentration of vinyl chloride as determined by Test Method 106 is to be corrected to 10 percent oxygen (wet basis) for determination of emissions by using the following equation:

$$C_{b\,(\text{corrected})} = C_b\,\frac{10.9}{20.9 - \text{percent } O_2}$$

where:

$C_{b\,(\text{corrected})}$ = The concentration of vinyl chloride in the exhaust gases, corrected to 10 percent oxygen.
C_b = The concentration of vinyl chloride as measured by Test Method 106.
20.9 = Percent oxygen in the ambient air at standard conditions.
10.9 = Percent oxygen in the ambient air at standard conditions, minus the 10 percent oxygen to which the correction is being made.
Percent O_2 = Percent oxygen in the exhaust gas as measured by Reference Method 3 in Appendix A of Part 60 of this chapter.

(iii) For those emission sources where the emission limit is prescribed in terms of mass rather than concentration, mass emissions in kg/100 kg product are to be determined by using the following equation:

$$C_{BX} = \frac{[C_b\,(2.60)\;Q\;10^{-6}]\,[100]}{Z}$$

where:

C_{BX} = kg vinyl chloride/100 kg product.
C_b = The concentration of vinyl chloride as measured by Test Method 106.
2.60 = Density of vinyl chloride at one atmosphere and 20°C in kg/m³.
Q = Volumetric flow rate in m³/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.
10^{-6} = Conversion factor for ppm.
Z = Production rate (kg/hr).

(2) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream for which an emission limit is prescribed in § 61.65(b)(9)(i).

(3) Where a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined using Test Method 107 as follows:

(i) The number of strippers and samples and the types and grades of resin to be sampled are to be determined by the Administrator for each individual plant at the time of the test, based on the plant's operation.

(ii) Each sample is to be taken immediately following the stripping operation as the resin is transferred out of the stripper.

(iii) The corresponding quantity of material processed by each stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraph (g)(3)(i) of this section.

(4) Where control technology other than or in addition to a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined as follows:

(i) Test Method 106 is to be used to determine atmospheric emissions from all of the process equipment simultaneously. The requirements of paragraph (g)(1) of this section are to be met.

(ii) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream subject to the emission limit prescribed in § 61.64(e). The mass of vinyl chloride in kg/100 kg product in each in process wastewater stream is to be determined by using the following equation:

$$C_{BX} = \frac{[C_d\;R\;10^{-6}]\,[100]}{Z}$$

where:

C_{BX} = kg vinyl chloride/100 kg product.
C_d = the concentration of vinyl chloride as measured by Test Method 107.
R = water flow rate in l/hr, determined in accordance with a method which has been submitted to and approved by the Administrator.
10^{-6} = Conversion factor for ppm.
Z = Production rate (kg/hr), determined in accordance with a method which has been submitted and approved by the Administrator.

(5) The reactor opening loss for which an emission limit is prescribed in § 61.64(a)(2) is to be determined. The number of reactors for which the determination is to be made is to be specified by the

Administrator for each individual plant at the time of the determination based on the plant's operation.

(i) Except as provided in paragraph (g)(5)(ii) of this section, the reactor opening loss is to be determined using the following equation:

$$C = \frac{W\ (2.60)\ (10^{-6})\ (Cb)}{YZ}$$

where:

C = kg vinyl chloride emissions/kg product.
W = Capacity of the reactor in m³.
2.60 = Density of vinyl chloride at one atmosphere and 50° C in kg/m³.
10^{-6} = Conversion factor for ppm.
Cb = ppm by volume vinyl chloride as determined by Test Method 106 or a portable hydrocarbon detector.
Y = Number of batches since the reactor was last opened to the atmosphere.
Z = Average kg of polyvinyl chloride produced per batch in the number of batches since the reactor was last opened to the atmosphere.

(A) If Method 106 is used to determine the concentration of vinyl chloride (Cb), the sample is to be withdrawn at a constant rate with a probe of sufficient length to reach the vessel bottom from the manhole. Samples are to be taken for 5 minutes within 6 inches of the vessel bottom, 5 minutes near the vessel center, and 5 minutes near the vessel top.

(B) If a portable hydrocarbon detector is used to determine the concentration of vinyl chloride (Cb), a probe of sufficient length to reach the vessel bottom from the manhole is to be used to make the measurements. One measurement will be made within 6 inches of the vessel bottom, one near the vessel center and one near the vessel top. Measurements are to be made at each location until the reading is stabilized. All hydrocarbons measured are to be assumed to be vinyl chloride.

(C) The production rate of polyvinyl chloride (Z) is to be determined by a method submitted to and approved by the Administrator.

(ii) A calculation based on the number of evacuations, the vacuum involved, and the volume of gas in the reactor is hereby approved by the Administrator as an alternative method for determining reactor opening loss for postpolymerization reactors in the manufacture of bulk resins.

§ 61.68 Initial report.

(a) An owner or operator of any source to which this subpart applies shall submit a statement in writing notifying the Administrator that the equipment and procedural specifications in §§ 61.65 (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), and (b)(8) are being implemented.

(b)(1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the effective date, unless a waiver of compliance is granted under § 61.11, along with the information required under § 61.10. If a waiver of compliance is granted, the statement is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the initial startup date.

(c) The statement is to contain the following information:

(1) A list of the equipment installed for compliance,

(2) A detailed engineering description of the physical and functional characteristics of each piece of equipment,

(3) A description of the methods which have been incorporated into the standard operating procedures for measuring or calculating the emissions for which emission limits are prescribed in §§ 61.65 (b)(1)(i) and (b)(6)(i),

(4) A statement that each piece of equipment is installed and that each piece of equipment and each procedure is being used.

§ 61.69 Semiannual report.

(a) The owner or operator of any source to which this subpart applies shall submit to the Administrator on a continuing basis each 180 days a report in writing containing the information required by this section.

(b)(1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the effective date, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the first report is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the initial startup date.

(c) Unless otherwise specified, the owner or operator shall use the Test Methods in Appendix B to this part to conduct emission tests as required by paragraphs (c)(2) and (c)(3) of this section, unless an equivalent or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) The owner or operator shall include in the report a record of any emissions in excess of the emission limits prescribed in §§ 61.62(a) or (b), § 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or for any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in § 61.65 (b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii). The emissions are to be measured with a vinyl chloride detector.

(2) The owner or operator shall include in the report a record of the quantity of emissions of vinyl chloride from the sources following the stripper(s) [or the reactor(s) if the plant has no stripper(s)] in polyvinyl chloride plants for which a stripping operation is used to attain the emission limit prescribed in § 61.64(e). Test Method 107 is to be used to determine emissions as follows:

(i) If batch stripping is used, one representative sample of polyvinyl chloride resin is to be taken from each batch of each grade of resin immediately following the completion of the stripping operation as the resin is transferred out of the stripper, and identified by resin type and grade and the date and time the batch is completed. The corresponding quantity of material processed in each stripper batch is to be recorded and identified by resin type and grade and the date and time the batch is completed.

(ii) If continuous stripping is used, one representative sample of polyvinyl chloride resin is to be taken for each grade of resin processed or at intervals of 8 hours for each grade of resin which is being processed, whichever is more frequent. The sample is to be taken as the resin flows out of the stripper and identified by resin type and grade and the date and time the sample was taken. The corresponding quantity of material processed by each stripper over the time period represented by the sample during the eight hour period, is to be recorded and identified by resin type and grade and the date and time it represents.

(iii) The quantity of material processed by the stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section.

(v) The report to the Administrator by the owner or operator is to include the vinyl chloride content found in all the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section, averaged separately for each type of resin, over each calendar day and weighted according to the quantity of each grade of resin processed by the stripper(s) that calendar day, according to the following equation:

$$A_{T_i} = \frac{\sum_{i=1}^{n} P_{G_i} M_{G_i}}{Q_{T_i}} = \frac{P_{G_1} M_{G_1} + P_{G_2} M_{G_2} + \ldots + P_{G_n} M_{G_n}}{Q_{T_i}}$$

A = 24-hour average concentration of type T_i resin in ppm.
Q = Total production of type T_i resin over the 24-hour period, in kg.
T_i = Type of resin; $i = 1, 2, \ldots n$ where n is total number of resin types produced during the 24-hour period.
M = Concentration of vinyl chloride in one sample of grade G_i resin, in ppm.
P = Production of grade G_i resin represented by the sample, in kg.
G_i = Grade of resin, e.g., G_1, G_2, and G_n.
n = Total number of grades of resin produced during the 24-hour period.

(vi) The owner or operator shall retain at the source and make available for inspection by the Administrator for a minimum of 2 years records of all data

needed to furnish the information required by paragraph (c)(2)(v) of this section: The records are to contain the following information:

(A) The vinyl chloride content found in all the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section, identified by the resin type and grade and the time and date of the sample, and

(B) The corresponding quantity of polyvinyl chloride resin processed by the stripper(s), identified by the resin type and grade and the time and date it represents.

(3) The owner or operator shall include in the report a record of the emissions from each reactor opening for which an emission limit is prescribed in § 61.64(a)(2). Emissions are to be determined in accordance with § 61.67(g)(5), except that emissions for each reactor are to be determined.

§ 61.70 Recordkeeping.

(a) The owner or operator of any source to which this subpart applies shall retain the following information at the source and make it available for inspection by the Administrator for a minimum of two years;

(1) A record of the leaks detected by the vinyl chloride detector and the action taken to repair the leaks, as required by § 61.65(b)(8), including the following information:

(i) The concentrations of vinyl chloride as measured, analyzed, and recorded by the vinyl chloride detector, including the location of each measurement and the date and approximate time of each measurement.

(ii) Where the information required by paragraph (a)(1)(i) of this section indicates that the vinyl chloride concentration at any point exceeds the concentration of vinyl chloride designated as a leak, a statement explaining the cause of the leak and any action taken to eliminate that leak and the amount of time used to take this action.

(2) A record of the leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks, as required by § 61.65(b)(8), including a brief statement explaining the location and cause of each leak detected with the portable hydrocarbon detector, the date and time of the leak and any action taken to eliminate that leak.

(3) A record of emissions from any source for which an emission limit is prescribed in §§ 61.62(a) or (b), 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or from any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in §§ 61.65(b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii).

(4) For the relief discharges from reactors subject to the provisions of § 61.65(b), a daily operating record for each reactor, including pressures and temperatures.

METHOD 106—DETERMINATION OF VINYL CHLORIDE FROM STATIONARY SOURCES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with source sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 An integrated bag sample of stack gas containing vinyl chloride (chloroethylene) is subjected to chromatographic analysis, using a flame ionization detector.

1.2 The method is applicable to the measurement of vinyl chloride in stack gases from both vinyl chloride and polyvinyl chloride manufacturing processes, except where the vinyl chloride is contained in particulate matter.

2. Range and Sensitivity.

The lower limit of detection will vary according to the chromatograph used. Values reported include 1×10^{-7} mg and 4×10^{-7} mg.

3. Interferences.

In the course of a study to identify the interference potential of several hydrocarbons associated with vinyl chloride, none were found to prevent resolution of the vinyl chloride peak with the Chromosorb 102[1] column. However, if resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered with prior approval of the Administrator. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

4. Apparatus.

4.1 Sampling (Figure 1).

4.1.1 Probe—Stainless steel, Pyrex glass, or Teflon tubing according to stack temperature, each equipped with a glass wool plug to remove particulate matter.

4.1.2 Sample line—Teflon, 6.4 mm outside diameter, of sufficient length to connect probe to bag. A new unused piece is employed for each series of bag samples that constitutes an emission test.

4.1.3 Male (2) and female (2) stainless steel quick-connects, with ball checks (one pair without) located as shown in Figure 1.

4.1.4 Tedlar bags, 100 liter capacity—To contain sample.

4.1.5 Rigid leakproof containers for 4.1.4, with covering to protect contents from sunlight.

4.1.6 Needle valve—To adjust sample flow rate.

4.1.7 Pump—Leak-free. Minimum capacity 2 liters per minute.

4.1.8 Charcoal tube—To prevent admission of vinyl chloride to atmosphere in vicinity of samplers.

4.1.9 Flow meter—For observing sample flow rate; capable of measuring a flow range from 0.10 to 1.00 liter per minute.

4.1.10 Connecting tubing—Teflon, 6.4 mm outside diameter, to assemble sample train (Figure 1).

4.1.11 Pitot tube—Type E (or equivalent), attached to the probe so that the sampling flow rate can be regulated proportional to the stack gas velocity.

4.2 Sample recovery.

4.2.1 Tubing—Teflon, 6.4 mm outside diameter, to connect bag to gas chromatograph sample loop. A new unused piece is employed for each series of bag samples that constitutes an emission test, and is to be discarded upon conclusion of analysis of those bags.

4.3 Analysis.

4.3.1 Gas chromatograph—With flame ionization detector, potentiometric strip chart recorder and 1.0 to 5.0 ml heated sampling loop in automatic sample valve.

4.3.2 Chromatographic column—Stainless steel, 2.5 m × 3.2 mm, containing 80/100 mesh Chromosorb 102.

4.3.3 Flow meters (2)—Rotameter type, 0 to 100 ml/min capacity, with flow control valves.

4.3.4 Gas regulators—For required gas cylinders.

4.3.5 Thermometer—Accurate to one degree centigrade, to measure temperature of heated sample loop at time of sample injection.

4.3.6 Barometer—Accurate to 5 mm Hg, to measure atmospheric pressure around gas chromatograph during sample analysis.

4.3.7 Pump—Leak-free. Minimum capacity 100 ml/min.

4.4 Calibration.

4.4.1 Tubing—Teflon, 6.4 mm outside diameter, separate pieces marked for each calibration concentration.

4.4.2 Tedlar bags—Sixteen-inch square size, separate bag marked for each calibration concentration.

4.4.3 Syringe—0.5 ml, gas tight.

4.4.4 Syringe—50µl, gas tight.

4.4.5 Flow meter—Rotameter type, 0 to 1000 ml/min range accurate to ±1%, to meter nitrogen in preparation of standard gas mixtures.

4.4.6 Stop watch—Of known accuracy, to time gas flow in preparation of standard gas mixtures.

5. Reagents. It is necessary that all reagents be of chromatographic grade.

5.1 Analysis.

5.1.1 Helium gas or nitrogen gas—Zero grade, for chromatographic carrier gas.

5.1.2 Hydrogen gas—Zero grade.

5.1.3 Oxygen gas—Zero grade.

5.2 Calibration.

5.2.1 Vinyl chloride, 99.9+%—For preparation of standard gas mixtures.

5.2.2 Calibration cylinders (3), optional—One each of 50, 10 and 5 ppm vinyl chloride in nitrogen with certified analysis.

5.2.3 Nitrogen gas—Zero grade, for preparation of standard gas mixtures.

6. Procedure.

6.1 Sampling. Assemble the sample train as in Figure 106-1. Perform a bag leak check according to Section 7.4. Observe that all connections between the bag and the probe are tight. Place the end of the probe at the centroid of the stack and start the pump with the needle valve adjusted to yield a flow of 0.5 lpm. After a period of time sufficient to purge the line several times has elapsed, connect the vacuum line to the bag and evacuate the bag until the rotameter indicates no flow. Then reposition the sample and vacuum lines and begin the actual sampling, keeping the rate proportional to the stock velocity. Direct the gas existing the rotameter away from sampling personnel. At the end of the sample period, shut off the pump, disconnect the sample line from the bag, and disconnect the vacuum line from the bag container. Protect the bag container from sunlight.

[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

6.2 Sample storage. Sample bags must be kept out of direct sunlight. When at all possible, analysis is to be performed within 24 hours of sample collection.

6.3 Sample recovery. With a piece of Teflon tubing identified for that bag, connect a bag inlet valve to the gas chromatograph sample valve. Switch the valve to withdraw gas from the bag through the sample loop. Plumb the equipment so the sample gas passes from the sample valve to the leak-free pump, and then to a charcoal tube, followed by a 0–100 ml/min rotameter with flow control valve.

6.4 Analysis. Set the column temperature to 155° C, the detector temperature to 225° C, and the sample loop temperature to 70° C. When optimum hydrogen and oxygen flow rates have been determine, verify and maintain these flow rates during all chromatograph operations. Using zero helium or nitrogen as the carrier gas, establish a flow rate in the range consistent with the manufacturer's requirements for satisfactory detector operation. A flow rate of approximately 15 ml/min should produce adequate separations. Observe the base line periodically and determine that the noise level has stabilized and that base line drift has ceased. Purge the sample loop for thirty seconds at the rate of 100 ml/min, then activate the sample valve. Record the injection time (the position of the pen on the chart at the time of sample injection), the sample number, the sample loop temperature, the column temperature, carrier gas flow rate, chart speed and the attenuator setting. Record the laboratory pressure. From the chart, select the peak having the retention time corresponding to vinyl chloride, as determined in Section 7.2. Measure the peak area, A_m, by use of the automatic integrator. Record A_m and the retention time. Repeat the injection at least two times or until two consecutive vinyl chloride peaks do not vary in area more than 5%. The average value for these two areas will be used to compute the bag concentration.

7. Calibration and Standards.

7.1 Preparation of vinyl chloride standard gas mixtures. Evacuate a sixteen-inch square Tedlar bag that has passed a leak check (described in Section 7.4) and meter in 5.0 liters of nitrogen. While the bag is filling, use the 0.5 ml syringe to inject 250μl of 99.9+% vinyl chloride through the wall of the bag. Upon withdrawing the syringe needle, immediately cover the resulting hole with a piece of adhesive tape. This gives a concentration of 50 ppm of vinyl chloride. In a like manner use the other syringe to prepare dilutions having 10 and 5 ppm vinyl chloride concentrations. Place each bag on a smooth surface and alternately depress opposite sides of the bag 50 times to further mix the gases.

7.2 Determination of vinyl chloride retention time. This section can be performed simultaneously with Section 7.3. Establish chromatograph conditions identical with those in Section 6.3, above. Set attenuator to X 1 position. Flush the sampling loop with zero helium or nitrogen and activate the sample valve. Record the injection time, the sample loop temperature, the column temperature, the carrier gas flow rate, the chart speed and the attenuator setting. Record peaks and detector responses that occur in the absence of vinyl chloride. Maintain conditions. With the equipment plumbing arranged identically to Section 6.3, flush the sample loop for 30 seconds at the rate of 100 ml/min with one of the vinyl chloride calibration mixtures and activate the sample valve. Record the injection time. Select the peak that corresponds to vinyl chloride. Measure the distance on the chart from the injection time to the time at which the peak maximum occurs. This quantity, divided by the chart speed, is defined as the retention time. Record.

7.3 Preparation of chromatograph calibration curve. Make a gas chromatographic measurement of each standard gas mixture (described in Section 7.1) using conditions identical with those listed in Section 6.3 above. Flush the sampling loop for 30 seconds at the rate of 100 ml/min with each standard gas mixture and activate the sample valve. Record C_c, the concentrations of vinyl chloride injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_c, the peak area multiplied by the attenuator setting. Repeat until two injection areas are within 5%, then plot those points vs C_c. When the other concentrations have been plotted, draw a smooth curve through the points. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

7.4 Tedlar bag leak checks. Before each use, make sure a bag is leak-free by checking it for leaks. To leak check, connect a water manometer and pressurize the bag to 5–10 cm H_2O (2–4 in. H_2O). Allow to stand for 10 minutes. Any displacement in the water manometer indicates a leak.

(NOTE: An alternative leak check method is to pressurize the bag to 5–10 cm H_2O or 2–4 in. H_2O and allow to stand overnight. A deflated bag indicates a leak.)

8. Calculations.

8.1 Determine the sample peak area as follows:

$$A_c = A_m A_f$$

Equation 106–1

where:

A_c = The sample peak area.
A_m = The measured peak area.
A_f = The attenuation factor.

8.2 Vinyl chloride concentrations. From the calibration curve described in Section 7.3, above, select the value of C_c that corresponds to A_c, the sample peak area. Calculate C_b as follows:

$$C_b = \frac{C_c P_r T_i}{P_i T_r}$$

Equation 106–2

where:

C_b = The concentration of vinyl chloride in the bag sample in ppm.
C_c = The concentration of vinyl chloride indicated by the gas chromatograph, in ppm.
P_r = The reference pressure, the laboratory pressure recorded during calibration, mm Hg.
T_i = The sample loop temperature on the absolute scale at the time of analysis, °K.
P_i = The laboratory pressure at time of analysis, mm Hg.
T_r = The reference temperature, the sample loop temperature recorded during calibration, °K.

9. References.

1. Brown, D. W., Loy, E. W. and Stephenson, M. H. "Vinyl Chloride Monitoring Near the B. F. Goodrich Chemical Company in Louisville, Kentucky." Region IV, U.S. Environmental Protection Agency, Surveillance and Analysis Division, Athens, Georgia, June 24, 1974.

2. "Evaluation of A Collection and Analytical Procedure for Vinyl Chloride in Air," by G. D. Clayton and Associates, December 13, 1974. EPA Contract No. 68–02–1408, Task Order No. 2, EPA Report oN. 75–VCL–1.

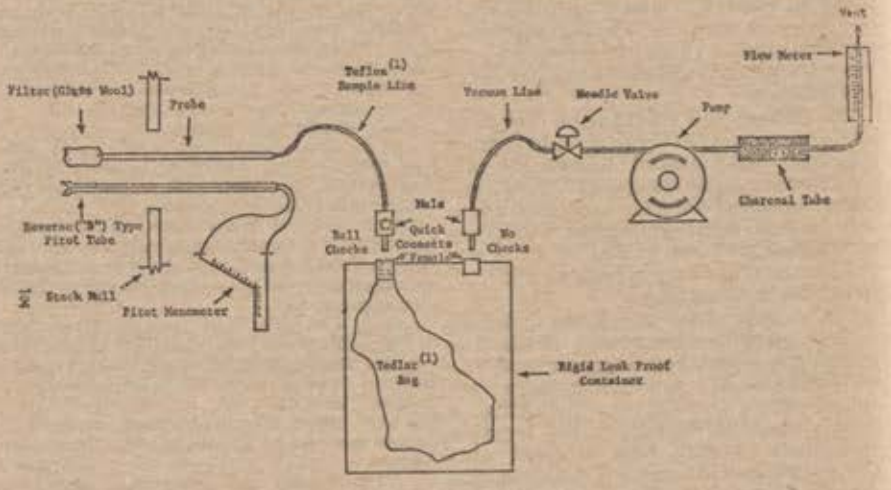


Figure 106-1, Integrated bag sampling train.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

METHOD 107—DETERMINATION OF VINYL CHLORIDE CONTENT OF INPROCESS WASTEWATER SAMPLES, AND VINYL CHLORIDE CONTENT OF POLYVINYL CHLORIDE RESIN, SLURRY, WET CAKE, AND LATEX SAMPLES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 The basis for this method relates to the vapor equilibrium which is established between RVCM, PVC, resin, water, and air in a closed system. It has been demonstrated that the RVCM in a PVC resin will equilibrate in a closed vessel quite rapidly, provided that the temperature of the PVC resin is maintained above the glass transition temperature of that specific resin.

1.2 This procedure is suitable for determining the vinyl chloride monomer (VCM) content of inprocess wastewater samples, and the residual vinyl chloride monomer (RVCM) content of polyvinyl chloride (PVC) resins, wet cake, slurry, and latex samples. It cannot be used for polymer in fused form.

such as sheet or cubes. If a resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered with prior approval of the Administrator. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

2. Range and Sensitivity.

The lower limit of detection of vinyl chloride will vary according to the chromatograph used. Values reported include 1×10^{-7} mg and 4×10^{-7} mg. With proper calibration, the upper limit may be extended as needed.

3. Precision and Reproducibility.

An interlaboratory comparison between seven laboratories of three resin samples, each split into three parts, yield a standard deviation of 2.63% for a sample with a mean of 2.09 ppm, 4.16% for a sample with a mean of 1.66 ppm, and 5.29% for a sample with a mean of 62.66 ppm.

4. Safety.

Do not release vinyl chloride to the laboratory atmosphere during preparation of standards. Venting or purging with VCM/air mixtures must be held to a minimum. When they are required, the vapor must be routed to outside air. Vinyl chloride, even at low ppm levels, must never be vented inside the laboratory. After vials have been analyzed, the pressure within the vial must be vented prior to removal from the instrument turntable. Vials must be vented into an activated charcoal tube using a hypodermic needle to prevent release of vinyl chloride into the laboratory atmosphere. The charcoal must be replaced prior to vinyl chloride breakthrough.

5. Apparatus.

5.1 Sampling.

5.1.1 Bottles—60 ml (2 oz), with waxed lined screw on tops, for PVC samples.

5.1.2 Vials—50 ml Hypo-vials,[1] sealed with Teflon faced Tuf-Bond discs for water samples.

5.1.3 Electrical tape—or equivalent, to prevent loosening of bottle tops.

5.2 Sample recovery.

5.2.1 Vials—With seals and caps, Perkin-Elmer Corporation No. 105-0118, or equivalent.

5.2.2 Analytical balance—Capable of weighing to ±0.001 gram.

5.2.3. Syringe, 100 μl—Precision Series "A" No. 010025, or equivalent.

5.2.4 Vial Sealer, Perkin-Elmer No. 105-0106 or equivalent.

5.3 Analysis.

5.3.1 Gas chromatograph—Perkin-Elmer Corporation Model F-40 head-space analyzer, No. 104-0001, or equivalent.

5.3.2 Chromatographic column—Stainless steel, 2 m×3.2 mm, containing 0.4% Carbowax 1500 on Carbopak A, Perkin-Elmer Corporation No. 105-0133, or equivalent.

5.3.3 Thermometer—0 to 100° C, accurate to ±0.1° C, Perkin-Elmer No. 105-0109 or equivalent.

5.3.4. Sample tray thermostat system—Perkin-Elmer No. 105-0103, or equivalent.

5.3.5 Septa—Sandwich type, for automatic dosing, 13 mm, Perkin-Elmer No. 105-1008, or equivalent.

5.3.6 Integrator - recorder — Hewlett - Packard Model 3380A, or equivalent.

5.3.7 Filter drier assembly (3)—Perkin-Elmer No. 2230117, or equivalent.

5.3.8 Soap film flowmeter—Hewlett Packard No. 0101-0113, or equivalent.

[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

5.4 Calibration.

5.4.1 Regulators—for required gas cylinders.

6. Reagents.

6.1 Analysis.

6.1.1 Hydrogen gas—zero grade.

6.1.2 Nitrogen gas—zero grade.

6.1.3 Air—zero grade.

6.2 Calibration.

6.2.1 Standard cylinders (4)—one each of 50, 500, 2000, and 4000 ppm vinyl chloride in nitrogen, with certified analysis.

7. Procedure.

7.1 Sampling.

7.1.1 PVC sampling—Allow the resin or slurry to flow from a tap on the tank or silo until the tap line has been well purged. Extend a 60 ml sample bottle under the tap, fill, and immediately tightly cap the bottle. Wrap electrical tape around the cap and bottle to prevent the top from loosening. Place an identifying label on each bottle, and record the date, time, and sample location both on the bottles and in a log book.

7.1.2 Water sampling—Prior to use, the 50 ml vials (without the discs) must be capped with aluminum foil and muffled at 400° C for at least one hour to destroy or remove any organic matter that could interfere with analysis. At the sampling location fill the vials bubble-free, to overflowing so that a convex meniscus forms at the top. The excess water is displaced as the sealing disc is carefully placed, Teflon side down, on the opening of the vial. Place the aluminum seal over the disc and the neck of the vial and crimp into place. Affix an identifying label on the bottle, and record the date, time, and sample location both on the vials and in a log book. All samples must be kept refrigerated until analyzed.

7.2 Sample recovery. Samples must be run within 24 hours.

7.2.1 Resin samples—The weight of the resin used must be between 0.1 and 4.5 grams. An exact weight must be obtained (±0.001 gram) for each sample. In the case of suspension resins a volumetric cup can be prepared which will hold the required amount of sample. The sample bottle is opened, and the cup volume of resin is added to the tared sample vial (including septum and aluminum cap). The vial is immediately sealed and the exact sample weight is then obtained. Report this value on the data sheet as it is required for calculation of RVCM. In the case of relatively dry resin samples (water content <0.3 weight %), 100 μl of distilled water must be injected into the vial, after sealing and weighing, using a 100 μl syringe. In the case of dispersion resins, the cup cannot be used. The sample is instead weighed approximately in an aluminum dish, transferred to the tared vial and weighed accurately in the vial. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C.

NOTE: Some aluminum vial caps have a center section which must be removed prior to placing into sample tray. If not removed, serious damage to the injection needle will occur.

7.2.2 Suspension resin slurry and wet cake samples—Slurry must be filtered using a small Buchner funnel with vacuum to yield wet cake. The filtering process must be continued only as long as a steady stream of water is exiting from the funnel. Excessive filtration time could result in some loss of VCM. The wet cake sample (0.10 to 4.5 grams) is added to a tared vial (including septum and aluminum cap) and immediately sealed. Sample weight is then determined to 3 decimal places. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C. A sample of wet cake is used to determine TS (total solids). This is required for calculating the RVCM.

7.2.3 Dispersion resin slurry samples.—This material should not be filtered. Sample must be thoroughly mixed. Using a tared vial (including septum and aluminum cap) add approximately 8 drops (0.25 to 0.35 grams) of slurry or latex using a medicine dropper. This should be done immediately after mixing. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 grams. Total sample weight must not exceed 0.50 grams. Condition the vial for one hour at 90°C in the analyzer. Determine the TS on the slurry sample (Section 7.3.5).

7.2.4 Inprocess wastewater samples—Using a tared vial (including septum and aluminum cap) quickly add approximately 1 cc of water using a medicine dropper. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 gram. Condition the vial for two hours at 90°C in the analyzer.

7.3 Analysis.

7.3.1 Preparation of gas chromatograph—Install the chromatographic column and condition overnight at 150°C. Do not connect the exit end of the column to the detector while conditioning.

7.3.1.1 Flow rate adjustments—Adjust flow rates as follows:

a. Nitrogen carrier gas—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to 1.3 kg/cm². Normal flows at this pressure should be 25 to 40 cc/minute. Check with bubble flow meter.

b. Burner air supply—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to supply air to burner at a rate between 250 and 300 cc/minute. Check with bubble flowmeter.

3. Hydrogen supply—Set regulator on cylinder to read 30 psig. Set regulator on chromatograph to supply approximately 35-+5 cc/minute. Optimize hydrogen flow to yield the most sensitive detector response without extinguishing the flame. Check flow with bubble meter and record this flow

7.3.1.2 Temperature adjustments—Set temperatures as follows:

a. Oven (chromatographic column), 50° C.

b. Dosing line, 140° C.

c. Injection block, 140° C.

d. Sample chamber, water temperature, 90° C±1.0° C.

7.3.1.3 Ignition of flame ionization detector—Ignite the detector according to the manufacturer's instructions.

7.3.1.4 Amplifier balance—Balance the amplifier according to the manufacturer's instructions.

7.3.2 Programming the chromatograph—Program the chromatograph as follows:

a. I—Dosing time—The normal setting is 2 seconds.

b. A—Analysis time—The normal setting is 8 minutes. Certain types of samples contain high boiling materials which can cause interference wtih the vinyl chloride peak on subsequent analyses. In these cases the analysis time must be adjusted to eliminate the interference. An automated backflush system can also be used to solve this problem.

c. B—Flushing—The normal setting is 0.2 minutes.

d. W—Stabilization time—The nomal setting is 0.2 minutes.

e. X—Number of analyses per sample—The normal setting is 1.

7.3.3 Preparation of sample turntable—Before placing any sample into turntable, be certain that the center section of the aluminum cap has been removed. The numbered sample bottles should be placed in the corresponding numbered positions in the turntable. Insert samples in the following order:

Positions 1 & 2—Old 2000 ppm standards for conditioning. These are necessary only after the analyzer has not been used for 24 hours or longer.

Position 3—50 ppm standard, freshly prepared.

Position 4—500 ppm standard, freshly prepared.

Position 5—2000 ppm standard, freshly prepared.

Position 6—4000 ppm standard, freshly prepared.

Position 7—Sample No. 7 (This is the first sample of the day, but is given as 7 to be consistent with the turntable and the integrator printout.)

After all samples have been positioned, insert the second set of 50, 500, 2000, and 4000 ppm standards. Samples, including standards must be conditioned in the bath of 90° C for 1 hour (not to exceed 5 hours).

7.3.4 Start chromatograph program—When all samples, including standards, have been conditioned at 90° C for 1 hour, start the analysis program according to the manufacturers' instructions. These instructions must be carefully followed when starting and stopping program to prevent damage to the dosing assembly.

7.3.5 Determination of total solids (TS). For wet cake, slurry, resin solution, and PVC latex samples, determine TS for each sample by accurately weighing approximately 3 to 4 grams of sample in an aluminum pan before and after placing in a draft oven (105 to 110° C). Samples must be dried to constant weight. After first weighing return the pan to the oven for a short period of time and then reweigh to verify complete dryness. TS is then calculated as the final sample weight divided by initial sample weight.

8. Calibration.

Calibration is to be performed each eight-hour period when the instrument is used. Each day, prior to running samples, the column should be conditioned by running two of the previous days 2000 ppm standards.

8.1 Preparation of Standards.

Calibration standards are prepared by filling the vials with the vinyl chloride/nitrogen standards, rapidly seating the septum and sealing with the aluminum cap. Use a stainless steel line from the cylinder to the vial. Do not use rubber or tygon tubing. The sample line from the cylinder must be purged (into hood) for several minutes prior to filling vials. After purging, reduce the flow rate to approximately 500–1000 cc/min. Place end of tubing into vial (near bottom) and after one minute slowly remove tubing. Place septum in vial as soon as possible to minimize mixing air with sample. After the standard vials are sealed, inject 100μl of distilled water.

8.2 Preparation of chromatograph calibration curve.

Prepare two 50 ppm, two 500 ppm, two 2000 ppm, and two 4000 ppm standard samples. Run the calibration samples in exactly the same manner as regular samples. Plot A_s, the integrator area counts for each standard sample vs C_s, the concentration of vinyl chloride in each standard sample. Draw a line of best fit through the points.

9. Calculations.

9.1 Response factor.

From the calibration curve described in Section 8.2, above, select the value of C_s that corresponds to A_s for each sample. Compute the response factor, R_f, for each sample, as follows:

$$R_f=\frac{A_s}{C_s} \quad \text{Equation 107-1}$$

9.2 Residual vinyl chloride monomer concentration, or vinyl chloride monomer concentration.

Calculate C_{vc} as follows:

$$C_{vc}=\frac{A_s P_a}{R_f T_1}\left(\frac{M_v V_s}{m_s R}+K T_2\right)$$

Equation 107-2

where:

C_{vc}=Concentration of vinyl chloride in the sample, in ppm.
P_a=Laboratory atmosphere pressure, mm Hg.
T_1=Room temperature, °K.
M_v=Molecular weight of VCM (62.5).
V_s=Volume of vapor phase (vial volume less sample volume).
m_s=Weight of sample, grams.
R=Gas constant (62,360).
K=Henry's Law constant for VCM in PVC at 90°C, $K=6.52\times10^{-4}=K_p$ for VCM in 1 cc (approximate) wastewater sample at 90°C, $K=5.0\times10^{-4}=K_w$.
T_2=Equilibration temperature, °K.

If the following conditions are met, Equation 107-2 can be simplified as follows:

1. T_1=22° C (295° K).
2. T_2=90° C (363° K).
3. P_a=750 mm. Hg.
4. $V_s=V_v-\frac{m_s}{1.4}=23.5-\frac{m_s}{1.4}$

where

V_v=Vial volume, cc (23.5).

5. Sample contains less than 0.5% water.

$$C_{vc}=\frac{A_s}{R_f}\left(4.197\times10^{-3}+\frac{5.988\times10^{-3}}{m_s}\right)$$

Equation 107-3

The following general equation can be used for any sample which contains VCM, PVC and/or water.

$$C_{vc}=\frac{A_s P_a}{R_f T_1}\times\left[\frac{M_v V_s}{R m_s}+K_p(TS)\,T_2+K_w(1-TS)\,T_2\right]$$

Equation 107-4

where:

T_s=Total solids.

Note: K_w must be determined.

For a 1 cc (approximate) wastewater sample, Equation 107-4 can be simplified to the following:

$$C_{vc}=\frac{A_s}{R_f}\frac{5.988\times10^{-3}}{m_s}+(2.066\times10^{-3})$$

Equation 107-5

Results calculated using Equation 107-4 or 107-5 represent concentration based on the total sample. To obtain results based on dry PVC content, divide by TS.

10. References.

1. Residual Vinyl Chloride Monomer Content of Polyvinyl Chloride Resins and Wet Cake Samples, B. F. Goodrich Chemical Co. Standard Test Procedure No. 1005-T. B. F. Goodrich Technical Center, Avon Lake, Ohio. January 30, 1975.

2. Berens, A. R., "The Solubility of Vinyl Chloride in Polyvinyl Chloride," ACS-Division of Polymer Chemistry, Polymer Preprints *15* (2): 197, 1974.

3. Berens, A. R., "The Diffusion of Vinyl Chloride in Polyvinyl Chloride," ACS-Division of Polymer Chemistry, Polymer Preprints *15* (2): 203, 1974.

4. Berens, A. R., L. B. Crider, C. J. Tomanek and J. M. Whitney, Analysis for Vinyl Chloride in PVC Powders by Head-Space Gas Chromatography," to be published.

[FR Doc.75-34513 Filed 12-23-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 24, 1975



PART III:

GENERAL SERVICES ADMINISTRATION

■

JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE NONPROFIT ORGANIZATIONS

Proposed Rulemaking

GENERAL SERVICES ADMINISTRATION

Office of Federal Management Policy

[34 CFR Part 259]

JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE, NONPROFIT ORGANIZATIONS

Notice of Proposed Rulemaking

This notice offers interested parties an opportunity to comment on a proposed regulation establishing uniform administrative requirements for jointly funded assistance to State and local governments and private, nonprofit organizations. It is issued in accordance with the provisions of the Joint Funding Simplification Act of 1974 and Executive Order 11867.

The proposed regulation was developed in cooperation with an interagency group representing the major Federal grantmaking agencies. Its purpose is to establish one set of administrative requirements to be followed by all Federal agencies in supporting jointly funded projects, and to encourage the simplification and standardization of various agency administrative requirements for such projects.

Generally, the proposed regulation discourages Federal agencies from imposing requirements on an applicant for jointly funded Federal assistance or a recipient of jointly funded assistance in addition to those prescribed by this regulation. To the extent that such a restriction may limit or preclude the participation of any Federal agency in jointly funded projects, we invite such agencies to provide comments concerning any additional requirements needed to faciliate such participation.

Interested parties should submit their comments in duplicate to the General Services Administration (AMM), Washington, D.C. 20405. All relevant material should be received within 45 calendar days from the date of this issuance.

NOTE: The forms and applicable instructions for joint funding to be provided as appendix H are on file with the original documents.

Dated: December 11, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator.

As proposed, the regulations would read as follows:

This is a Federal Management Circular requiring all Federal agencies to adopt and follow uniform administrative requirements in the provision of jointly funded assistance to State and local governments and private, nonprofit organizations. Authority for issuance of such standards is provided under the provisions of the Joint Funding Simplification Act of 1974, and Executive Orders 11717 and 11867.

PART 259—JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE, NONPROFIT ORGANIZATIONS

Sec.
259.1 Purpose.
259.2 Effective Date.
259.3 Supersession.
359.4 Background.
259.5 Policy intent.
259.6 Applicability and scope.
259.7 Definitions.
259.8 Responsibilities.
259.9 Reporting requirements.
259.10 Inquiries.

AUTHORITIES: Joint Funding Simplification Act of 1974; Executive Order 11717; and Executive Order 11867.

§ 259.1 Purpose.

This part establishes policies and procedures to be followed in the joint funding of related programs of Federal assistance to State and local governments and private, nonprofit organizations.

§ 259.2 Effective date.

This part shall take effect in 60 calendar days from the date of issuance, except that existing jointly funded projects developed and administered under the Integrated Grant Administration (IGA) guidelines issued by the Office of Management and Budget on January 14, 1972, may be exempt from conformance to the provisions of this circular until September 30, 1976, or until the project is completed, whichever occurs first. In the interim, such projects will continue to conform to the 972 IGA guidelines and subsequent attachments and amendments.

§ 259.3 Supersession.

This part supersedes Office of Management and Budget memorandum for heads of departments and certain agencies dated January 14, 1972, subject: Integrated Grant Administration Program, and all susequent attachments and amendments.

§ 259.4 Background.

This part is issued pursuant to the Joint Funding Simplification Act of 1974 (Pub. L. 93-510), and Executive Order 11867, dated June 19, 1975, which delegates to the Administrator of General Services authority to issue regulations governing jointly funded assistance to State and local governments and private, nonprofit organizations, and to perform other functions specified in Pub. L. 93-510.

§ 259.5 Policy intent.

The intent of this part, in accordance with section 2, Pub. L. 93-510, is to establish procedures whereby State and local governments and private, nonprofit organizations may use Federal assistance more effectively and efficiently, and may adapt that assistance more readily to their particular needs through the wider use of projects drawing upon resources available from more than one Federal agency, program, or appropriation. It further is the intent of this part to encourage, and to provide guidance related to, the establishment of Federal-State arrangements under which local governments and private, nonprofit organizations may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the governments and organizations concerned.

§ 259.6 Applicability and scope.

The provisions of this part shall apply as follows:

a. *Federal assistance programs.* This part shall apply to all Federal assistance programs, as defined in subparagraph 7d below, that provide support to State and local governments and private, nonprofit organizations, unless excluded under the provisions of section 3(b), Pub. L. 93-510. Where the enabling legislation for a specific Federal assistance program prescribes policies and procedures that exceed any or all of the provisions of this part, or that prohibit the application of any or all of the provisions of this part, the enabling legislation shall govern.

b. *Technical assistance and training.* In accordance with section 9, Pub. L. 93-510, appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for joint funding involving that program and any other Federal assistance program.

§ 259.7 Definitions.

For the purpose of this part:

a. The term "Federal agency" means any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States.

b. The term "participating agency" means any Federal, State, or other agency which provides, or will provide, financial assistance to a jointly funded project at some time during the projected funding period for the project.

c. The term "lead agency" means a Federal or State participating agency designated to coordinate the participation of all grantor agencies involved in a jointly funded project, and to act as the applicant's primary contact for all administrative matters related to the specific project concerned. Generally, the lead agency is a funding agency unless considerable technical assistance or special expertise is being provided in lieu of financial support.

d. The term "management fund agency" means a participating Federal agency responsible for the administration of the management fund as prescribed in appendix D.

e. The term "Federal assistance programs" means programs that provide assistance through grant or contractual arrangements, to include programs commonly referred to as block grants, but does not include assistance in the form of general revenue sharing, loans, loan guarantees, or insurance.

f. The term "applicant" means any State or local government or private, nonprofit organization acting separately or together in seeking assistance with respect to a single project.

g. The term "project" means any undertaking, whether of a temporary or continuing nature, that includes components proposed or approved for assistance under more than one Federal program, or one or more Federal programs and one or more State programs, provided each of those components contributes materially to the accomplishment of a single purpose or closely related purposes, as described in appendix A, subparagraph 2b(1).

h. The term "State" means any of the several States of the United States, District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, and any tribe as defined in Section 3(c) of the Indian Financing Act (88 Stat. 77).

i. The term "local government" means a local unit of government including a city, county, parish, town, township, village, school district, or any agency or instrumentality of a local unit of government, and regional governmental entities such as councils of government, intrastate districts, and interstate bodies.

j. The term "private, nonprofit organizations" means private institutions of higher education, private hospitals, and other private, nonprofit organizations such as, but not limited to, community action agencies, Headstart agencies, research institutes, educational associations, and health centers. The term does not include foreign or international organizations (such as agencies of the United Nations and Government-owned facilities) or research centers providing continuing support for mission-oriented, large scale programs which are (usually) Government-owned or controlled, or are designed as federally funded research and development centers.

§ 259.8 Responsibilities.

a. *Federal agencies.* The head of each Federal agency administering programs of assistance to State and local governments and private, nonprofit organizations shall be responsible for:

(1) Assuring implementation of this part through internal directive, order, or regulations by all affected agency personnel within 60 calendar days from the effective date of this part.

(2) Identifying, by "Catalog of Federal Domestic Assistance" reference number, related programs likely to be particularly suitable or appropriate for providing joint support for specific kinds of projects thereunder, in accordance with section 3(b)(1), Pub. L. 93-510. It is further the responsibility of heads of agencies to assure this information is communicated on a timely basis to all concerned agency personnel, other Federal agencies, and Federal Regional Councils, in order to respond more efficiently to applicant inquiries concerning the suitability of various Federal assistance programs for joint funding.

(3) Designating by organizational title and location an office or official:

(a) Within the agency headquarters, to coordinate intra-agency implementation of this part and serve as the primary point of contact for other Federal agencies and prospective applicants with respect to agency joint funding activities and policies; and

(b) Within each regional office, to coordinate agency joint funding activities within the region, and to serve as the primary contact for the Federal Regional Councils, other Federal agencies, and prospective applicants with respect to agency joint funding activities, to include serving on permanent or ad hoc joint funding committees as may be established by any Federal Regional Council, in consultation with member agencies.

b. *Federal Regional Councils.* The Federal Regional Council chairpersons shall:

(1) Make such FRC organizational and staff assignments they consider necessary and appropriate to carry out joint funding functions assigned to the FRC's by this part, to include establishment of ad hoc or permanent interagency committees for purposes of overseeing the processing of requests for, or the administration of, jointly funded assistance;

(2) Take actions, as described in this part, to promote Federal-State provision of joint assistance to local governments and private, nonprofit organizations;

(3) Assure issues of an interagency nature which arise during the processing of requests for, or the administration of, jointly funded assistance are brought to the attention of the FRC and resolved in a timely manner, as appropriate; and

(4) Maintain continuous oversight of jointly funded projects in order to assure such projects are developed and administered in conformance with the policies and procedures established by this part, and to evaluate from time to time the overall effectiveness of joint funding practices within the region.

c. *General Services Administration (GSA).* The Administrator of General Services shall:

(1) Oversee the implementation and application of policies and procedures established by this part;

(2) Assure administrative assistance, to include interpretation of policies and procedures, is provided to Federal agencies, Federal Regional Councils, applicants, and others affected by this part, as appropriate; and

(3) Prepare, in accordance with section 11, Pub. L. 93-510, a comprehensive report for transmission by the President to the Congress at least one year prior to the expiration of Pub. L. 93-510, on actions taken under the Act, and make recommendations for its continuation, modification, or termination. The report shall provide a detailed evaluation of the functioning of the Act, including information regarding the benefits and costs of jointly funded projects accruing to the participating State and local governments and private, nonprofit organizations, and to the Federal Government. The report shall be prepared in cooperation with the aforementioned groups.

§ 259.9 Reporting requirements.

a. *Federal agencies.* The heads of Federal agencies shall provide to the Administrator of General Services, Attention: Office of Federal Management Policy (AMM):

(1) A copy of agency regulations or directives, if any, issued to implement this part, within 30 calendar days of such issuance.

(2) A list of all agency programs identified as suitable for joint funding, and a list of all agency personnel designated to coordinate joint funding activities, as required in subparagraph 9a above. It further shall be the responsibility of agency heads to inform GSA, other Federal agencies, and Federal Regional Councils of any change in program identifications or personnel designations as they occur.

(3) Other reports and information as may from time to time be requested by the Administrator of General Services for the express purpose of meeting assigned responsibilities enumerated in E.O. 11867, dated June 19, 1975, to include information necessary to prepare the comprehensive report to the Congress described in subparagraph 9c(3) above.

b. *Federal Regional Councils.* The chairpersons of the Federal Regional Councils shall assure the submission to GSA of such reports as shall from time to time be requested by the Administrator of General Services for the express purpose of meeting assigned responsibilities enumerated in E.O. 11867, to include information necessary to prepare the comprehensive report to the Congress described in subparagraph 9c (3) above.

§ 259.10 Inquiries.

Additional information concerning this part may be obtained by contacting: General Services Administration (AMM), Washington, D.C. 20405 Telephone (IDS) 183-7461, (FTS) 202-343-7461.

TABLE OF CONTENTS FOR APPENDIXES

Preapplication policies and procedures	A
Application policies and procedures	B
Project management policies and procedures	C
Project funding policies and procedures	D
Federal-State assistance and agreements	E
Audit requirements	F
Reviewing impeding requirements and establishing uniform requirements	G
Standard forms and provisions	H

PREAPPLICATION POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the submission and review of preapplications for projects which are appropriate for jointly funded assistance from more than one Fed-

eral agency, program, or appropriation, or from one or more Federal agencies and one or more State agencies.

2. *Preparation of preapplication.*

a. *Preapplication forms.* Applicants who wish to propose projects appropriate for jointly funded assistance shall complete the required forms as follows:

(1) State and local units of government shall complete Parts I through III of the standard "Preapplication for Federal Assistance," exhibit M-1, FMC 74-7, "Uniform administrative requirements for grants-in-aid to State and local governments." The General Services Administration has agreed to requests from a limited number of Federal agencies to modify the information required in Parts I through III of the standard preapplication form. It shall be the applicant's responsibility to consult with any agencies whose requirements are not known prior to the completion and submission of a preapplication form. In addition to Parts I through III of the standard form, applicants shall complete Part IV "Program Narrative Statement" required by each agency or program from which assistance is requested. Applicants are required to identify all programs from which assistance is requested in the preapplication for a jointly funded project, to include those programs which normally do not require submission of a preapplication form. Copies of standard forms to be used for jointly funded projects and instructions for their use are contained in appendix H.

(2) Private, nonprofit organizations, and other applicants who wish to propose jointly funded projects to be supported by Federal programs which do not require the use of standard forms promulgated through FMC 74-7, are encouraged to consult with the appropriate Federal Regional Council prior to the completion of any preapplication documents. In those instances where the proposed project will be carried out within a given Federal region, and will draw primarily upon Federal programs administered at a headquarters level only, the Federal Regional Council may refer the applicant to headquarters officials for the agency from which the greatest single share of assistance is desired.

b. *Supplemental information.* In addition to the basic preapplication form(s), all applicants shall provide the following:

(1) A narrative justification of the need for jointly funded assistance to complete the proposed project, to include the manner in which each separate program from which assistance is requested will contribute materially to the accomplishment of a single purpose or closely related purposes. In so doing, the applicant must demonstrate that a relationship exists among the programs cited through a commonality of purpose or ability to support related goals. The applicant further must demonstrate the specific activities to be supported by each program are part of an overall strategy to achieve a common stated objective consistent with the functional purposes of the applicant organization, and the general intent of the specific assistance programs requested.

(2) Notice of special timing considerations which may affect the feasibility of the proposed project, in accordance with section 4, Joint Funding Simplification Act of 1974 (P.L. 93-510).

(3) Requests, if any, for waiver of single or specific public agency eligibility requirements applicable to any of the programs from which assistance is requested. In accordance with section 6(c), P.L. 93-510:

". . . Federal agency heads may waive requirements that a single or specific public agency be utilized or designated to receive, supervise, or otherwise administer a part of the Federal assistance drawn upon by any jointly funded project to the extent that administration by another public agency is determined to be fully consistent wtih applicable State or local law and with the objectives of the Federal assistance program involved. This authority may be exercised only (1) upon request of the head of a unit of general government, with respect to agencies that he certifies to be under his jurisdiction, or (2) with the agreement of the several State or local public agencies concerned."

(4) Identification and request for agency review of any administratively established program requirements, as described in Appendix G, the applicant considers to be a serious impediment to the joint support of the proposed project, in accordance with section 3(b)(3), P.L. 93-510.

(5) Verification by a certified public accountant or authorized Federal agency that private, nonprofit applicant organizations maintain or can develop an accounting system whereby records will be kept by separate Federal programs and appropriations from which assistance is received. Such certification shall be required as a condition for the award of jointly funded assistance, and shall be borne at the applicant's own expense.

3. *Submission of preapplication.*

a. *Submission to A-95 clearinghouses.* A copy of the preapplication for jointly funded assistance shall be submitted by the applicant to the clearinghouse(s) designated in accordance with Office of Management and Budget (OMB) Circular No. A-95, "Evaluation, review, and coordination of Federal and federally assisted programs and projects." This requirement shall apply to all jointly funded projects which may have an impact on State, areawide, or local development, including development of natural, economic, and human resources. Certification by the applicant that a copy of the preapplication has been sent to the appropriate clearinghouse(s) shall be included with the preapplication submitted to Federal officials.

b. *Submission to Federal Regional Councils.* Applicants for jointly funded assistance should submit all required preapplication documents, hereinafter referred to as the preapplication, to the Federal Regional Councils established for the geographic area within which the applicant organization is located. Specific locations and geographic boundaries of the Federal Regional Councils are contained in exhibit A-1. The only exception to this procedure will be in the case of private, nonprofit organizations referred to headquarters officials of a specific Federal agency, as noted in subparagraph 2a(2) above. In such instances, the Federal agency receiving the preapplication will assume all functions normally assigned to the Federal Regional Council throughout the balance of this appendix and subsequent appendixes.

c. *Submission to State agencies.* If the proposed project includes assistance from State sources (including Federal/State funds), the applicant shall submit a copy of the preapplication to appropriate State agencies in conformance with notification procedures established by the individual State(s) concerned. The governor of each State is encouraged to designate a single State agency or function to receive and coordinate all requests for State participation in jointly funded projects. In the absence of direct State financial participation in the proposed project, the applicant is encouraged to submit copies of the preapplication to appropriate State agencies for information purposes only, provided copies have not been submitted previously through the A-95 process.

4. *Responsibilities for preapplication review.*

a. *General responsibilities.* In accordance with section 4, P.L. 93-510, actions taken by Federal officials related to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible, that:

(1) All required reviews and approvals are handled expeditiously;

(2) Full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project;

(3) The applicant is required to deal with a minimum number of Federal representatives, acting separately or as a common board or panel;

(4) The applicant is promptly informed of decisions with respect to an application and of any special problems or impediments that may affect the feasibility of Federal provision of assistance on a joint basis; and

(5) The applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

b. *Federal Regional Councils (FRC).* The Federal Regional Councils shall:

(1) Receive all preapplications for jointly funded assistance, except when an applicant has been advised by the FRC to submit the preapplication directly to the headquarters office of a specific Federal agency.

(2) Coordinate review of the preapplication by Federal and, if appropriate, State agencies from which an applicant requests assistance. The FRC may request the coordination of preapplication review by an individual Federal agency when:

(a) All Federal programs from which an applicant requests assistance are administered by one agency; or

(b) FRC workload or staff limitations are such that coordination by an individual agency acting under the auspices of the FRC can be carried out more efficiently than by FRC staffpersons.

(3) Upon favorable preapplication review, establish a project task force of representatives from each agency participating in the project, and designate a lead agency to chair the task force and assume overall administrative responsibility for the project.

c. *Federal agencies.* Federal agencies shall:

(1) Coordinate review of the preapplication by Federal and, if appropriate, State agencies from which an applicant requests assistance, when so designated by the FRC;

(2) Cooperate with the FRC or designated agency coordinating preapplication review to carry out internal review with respect to agency programs from which an applicant requests assistance; and

(3) Serve as lead agency, if so requested by the FRC, and appoint agency representatives to the project task force established by the FRC.

d. *Appointment of coordinating officer.* Upon receipt of preapplication for jointly funded assistance, the Federal Regional Council or a Federal agency designated by the FRC will appoint a coordinating officer to oversee preapplication review. The coordinating officer shall:

(1) Serve as the applicant's primary Federal contact during the preapplication review period;

(2) Determine whether the preapplication conforms to the standard form described in appendix H, and FMC 74-7, or other prearranged format for programs not covered by FMC 74-7, and that the preapplication is complete with respect to all required information;

(3) Assure copies of the preapplication are provided to all Federal and, if appropriate, State agencies from which an applicant requests assistance;

(4) Establish an official project file, to include at least the following information:
(a) Appropriate FRC and agency file control number;
(b) Date preapplication received;
(c) Date review initiated, if other than date of receipt;
(d) Copy of preapplication and supporting documents submitted by applicant;
(e) Special considerations requested by applicant;
(f) Disposition of proposal, by program and amount;
(g) State programs involved, if any, and disposition of reqeusts for State participation; and
(h) Date review completed;
(5) Assist applicant, in conjunction with other participating agencies, to identify supplemental or alternative sources of Federal support for the proposed project; and
(6) Receive separate agency reviews of the preapplication and, in consultation with the agencies concerned, prepare a consolidated report to the FRC for transmission to the applicant.

5. *Preapplication review procedures.*

a. *Review criteria.* Each Federal and participating State agency shall review the preapplication with respect to the program(s) administered by that agency from which an applicant requests assistance. Each reviewing official should assess:
(1) Applicant eligibility for the program(s) requested;
(2) Feasibility of the proposed project, to include consistency with Federal and agency policies concerning the scope and purpose of joint funding;
(3) The degree to which the applicant has properly demonstrated a relationship between the program(s) administered by the reviewing agency and those of other agencies from which assistance is requested, as required by subparagraph 2b(1) above;
(4) Competitiveness of the propcsed project with similar requests for program funds, to include those applications for categorical assistance submitted under normal agency procedures;
(5) Special timing and special eligibility considerations requested by the applicant, if any;
(6) Applicant requests for agency review of administratively established program requirements considered to be a serious impediment to joint funding of the proposed project; and
(7) Administratively established program requirements, in addition to or in the absence of any identified by the applicant, which the reviewing official considers to be a serious impediment to joint funding of the proposed project.

b. *Requests for additional information.* Reviewing officials may request additional information from applicants if necessary to meet preapplication review requirements for the particular program(s) involved, provided such information is required in the approved preapplication forms for the program in question, and is not contained in the preapplication form or supporting documents already submitted by the applicant. Such requests may be made directly to the applicant, provided the coordinating officer is notified in writing of the action taken.

6. *Notice of preapplication review.*

a. *Agency review actions.* Within 30 calendar days of receipt, each Federal and, if appropriate, State agency reviewing the preapplication shall transmit to the coordinating officer a standard "Notice of Preapplication Review," exhibit M-2, FMC74-7, for each program administered by that agency from which an applicant requests assistance. In addition to information contained in the standard form, each agency or program shall indicate:

(1) Whether an applicant's request to waive single or specific public agency eligibility requirements is approved. Eligibility questions of this type must be resolved prior to the submission of a formal application for the proposed project.
(2) The extent to which special timing considerations requested by the applicant can be accommodated, and the impact such actions may have on the feasibility of providing joint assistance to the project.
(3) Action taken, in accordance with appendix G, with respect to administratively established program requirements identified by the applicant or the agency reviewing official as serious impediments to joint funding of the project.
(4) Any special requirements necessary to process a formal application for the proposed project.
(5) If agency review is favorable:
(a) Estimated level of funding for the project;
(b) Name of official to represent agency or program on project task force; and
(c) Whether agency is willing to serve as lead agency for the project.
(6) If agency review is not faboravle:
(a) The reasons why the agency or program has determined it will not participate in the proposed project, with specific references to the review criteria noted in subparagraph 4a above; and
(b) Whether the agency or program will accept for consideration a request for categorical assistance from the applicant in lieu of participation in a jointly funded project.

b. *Notification to applicant.* Within 15 calendar days of receipt of all notices of preapplication review, the coordinating officer, in consultation with all participating agencies, shall consolidate all reviews into a single "Notice of Preapplication Review." The single notice shall be submitted to the FRC chairperson for transmission to the applicant. In addition to information contained in the standard "Notice of Preapplication Review," the notification to the applicant shall comply with (1) or (2) below:
(1) If two or more Federal programs, or one or more Federal and one or more State programs indicate a favorable review of the project, and a relationship exists, among such programs through a commonality of purpose or ability to support related goals, the notification to the applicant shall indicate:
(a) Submission of a formal project application for jointly funded assistance is appropriate;
(b) Special requirements identified by reviewing programs necessary to process a project application;
(c) LeaLd agency designated by the FRC to which application for jointly funded assistance should be submitted, to include name of project manager appointed by the lead agency;
(d) Disposition of any requests by applicant for special timing and special eligibility considerations;
(e) Disposition of and action taken on any administratively established program requirements identified by the applicant or agency reviewing officials as serious impediments to joint funding of the project, as described in appendix G; and
(f) List of all project task force members.
(2) If the proposed project is not considered favorably for joint funding, the notification shall indicate:
(a) The reasons why the proposal was not favorably reviewed;
(b) Which Federal agencies, if any, will provide technical assistance to the applicant to refine the proposal; and
(c) Which Federal agencies, based upon their review of the preapplication, will accept for consideration applications for categorical assistance from the applicant.

7. *Establishment of task force and preapplication conference.*

a. *Establishment of task force.* When a preapplication for jointly funded assistance has been reviewed favorably, the Federal Regional Council shall:
(1) Establish a project task force consisting of representatives from each participating Federal and State agency; and
(2) Designate a lead agency for the project. The lead agency shall appoint a project manager, who will convene and chair task force meetings.

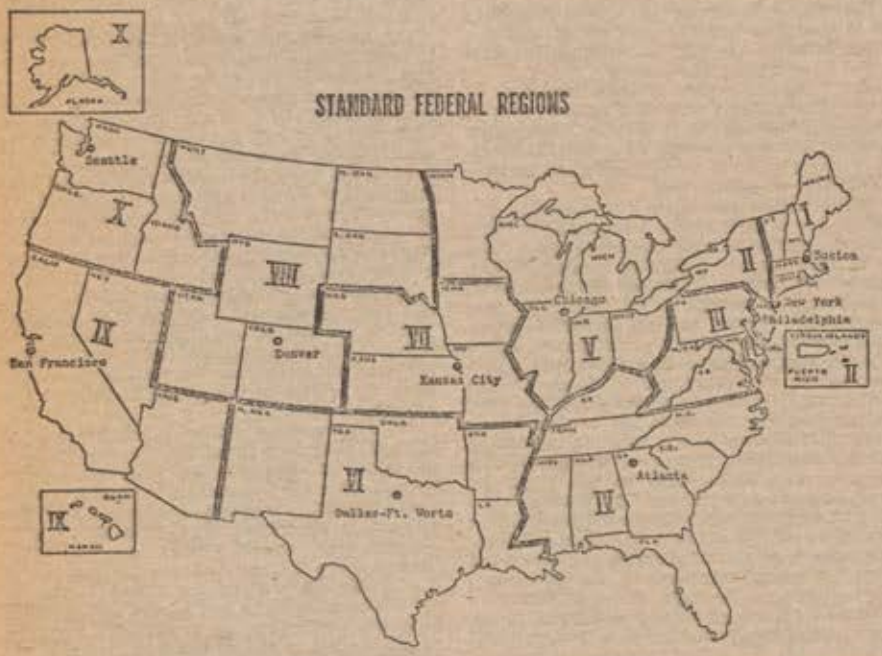
b. *Preapplication conference.* As soon as possible following the notification of preapplication review to the applicant, the lead agency shall hold a preapplication conference to be attended by the applicant and members of the project task force. The date and place of the preapplication conference shall be noted in the appropriate section of the standard "Notice of Preapplication Review" sent to the applicant. The purpose of the preapplication conference is to:
(1) Provide the applicant an opportunity to meet with all potential funding agencies and to discuss collective and individual requirements necessary to process a formal project application. At a minimum, the scope and format of any information required by participating agencies or programs in addition to the basic application forms should be established. Such requirements should be specified in writing and, to the extent practicable, shall constitute the total information required by participating agencies to review and approve the project.
(2) Discuss among potential funding agencies and the applicant the probable disposition of unresolved or disputed matters relating to any administratively established program requirements considered to be serious impediments to joint funding of the proposed project.
(3) Determine whether an environmental impact statement must accompany the application. If required, arrangements should be made for preparation of a joint or single environmental impact statement for the project, in accordance with Title 40, Code of Federal Regulations (CFR), section 1500: "Preparation of Environmental Impact Statements: Guidelines." Section 1500.7(b) states:

"Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved (see § 1500.6(d)(1)). Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council [on Environmental Quality] will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. . . ."

(4) Arrange for such assistance to the applicant as may be appropriate to prepare the project application.

Federal regional councils

Region	Headquarters city	Address and telephone
I	Boston	Federal Regional Council of New England, Room E-431, JFK Federal Bldg., Boston, Mass. 02203, 617-223-5421.
II	New York	Federal Regional Council, Suite 3541, 26 Federal Plaza, New York, N.Y. 10007, 212-264-8068.
III	Philadelphia	Mid-Atlantic Federal Regional Council, 4450 William J. Green Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106, 215-597-3653.
IV	Atlanta	Southeastern Federal Regional Council, Suite 515, 1371 Peachtree Street N.E., Atlanta, Ga. 30309, 404-526-2287.
V	Chicago	Federal Regional Council, 18th Floor, 300 South Wacker Dr., Chicago, Ill. 60606, 312-353-8184.
VI	Dallas	Southwest Federal Regional Council, Room 9C2B, 1100 Commerce, Dallas, Tex. 75202, 214-749-1431.
VII	Kansas City	Federal Regional Council, Room 634, 601 East 12th St., Kansas City, Mo. 64106, 816-374-2031.
VIII	Denver	Mountain Plains Federal Regional Council, Room 14041, Federal Bldg., 1961 Stout St., Denver, Colo. 80202, 303-837-2741.
IX	San Francisco	Western Federal Regional Council, P.O. Box 36008, 450 Golden Gate Ave., San Francisco, Calif. 94102, 415-556-1970.
X	Seattle	Northwest Federal Regional Council, 1321 2d Ave., Seattle, Wash. 98101, 206-442-1563.



APPLICATION POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the submission, review, and approval of applications for projects which are appropriate for joinly funded assistance from more than one Federal agency, program, or appropriation, or from one or more Federal agencies and one or more State agencies.

2. *Preparation of application.*

a. *Application forms.* Applicants for jointly funded projects shall complete the required forms as follows:

(1) State and local units of government shall complete Parts I through III of the standard "Application for Federal Assistance" described in (a) or (b) below. The General Services Administration has agreed to requests from a limited number of Federal agencies to midify the information required in Parts I through III of the standard application form. It shall be the applicant's responsibility to consult with any agencies whose requirements are not known prior to completion and submission of an application. In addition to Part I through III of the standard form, applicants shall complete the Part IV "Program Narrative" required by each agency or program from which assistance is requested. Copies of the standard forms and instructions for their use are contained in appendix H. The basic forms are:

(a) "Application for Federal Assistance (Nonconstruction Programs)," exhibit M-3, FMC 74-7, to be used to apply for joint funding of projects which do not include requests to support construction or real property acquisition; and

(b) "Application for Federal Assistance (for Construction Programs)," exhibit M-4, FMC 74-7, to be used to apply for joint funding of projects which include one or more requests to support construction or real property acquisition.

(2) Private, nonprofit organizations, and other applicants who apply for jointly funded projects to be supported by Federal programs which do not require the use of standard forms promulgated through FMC 74-7, shall consult with the project task force prior to completion of any application documents. It shall be the responsibility of the task force to develop, to the extent practicable, a single application format acceptable to all agencies and programs participating in the project.

b. *Supplemental information.* In addition to the basic application forms, applicants shall provide the following:

(1) Any special requirements or information identified by participating agencies in the "Notice of Preapplication Review:"

(2) Notice of special timing considerations which may affect the feasibility of the project, in accordance with section 4, Joint Funding Simplification Act of 1974 (P. L. 93-510), provided such notice, if any, was not made or resolved during the preapplication review period; and

(3) Requests for review and modification of specific administratively established program requirements, as described in appendix G, which the applicant believes would impede joint funding of the project under consideration, provided such requests were not made or resolved during the preapplication review period.

3. *Submission of Application.*

a. *Submission to A-95 clearinghouses.* A copy of the application shall be submitted to designated clearinghouse(s) in accordance with the procedures outlined in Office of Management and Budget (OMB) Circular No. A-95. Evidence of clearinghouse review must be included with the application submitted to Federal and, if appropriate, State officials, to include:

(1) Comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) A statement that the procedures outlined in OMB Circular No. A-95 have been followed and no comments or recommendations have been received.

b. *Submission to lead agency.* Applicants shall submit all required application documents, hereinafter referred to as the application, to the lead agency designated by the Federal Regional Council and identified in the "Notice of Preapplication Review" sent to the applicant under the provisions of appendix A, subparagraph 6b.

c. *Submission to State agencies.* If the project is to include assistance from State sources (including Federal/State passthrough funds), the applicant shall submit copies of the application to a State agency or function designated to receive and coordinate requests for State participation in jointly funded projects or, where a single State coordinator has not been designated, to each State agency from which assistance is requested. In the absence of direct State financial participation in the project, the applicant is encouraged to send copies of the application to appropriate State agencies for information purposes only.

4. *Responsibilities for application processing and approval.*

a. *General responsibilities.* In accordance with section 4, Pub. L. 93-510, actions taken by Federal officials related to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible, that:

(1) All required reviews and approvals are handled expeditiously;

(2) Full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project;

(3) The applicant is required to deal with a minimum number of Federal representatives, acting separately or as a common board or panel;

(4) The applicant is promptly informed of decisions with respect to an application and of any special problems or impediments that may affect the feasibility of Federal provisions of assistance on a joint basis; and

(5) The applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

b. *Lead agency.* The lead agency shall:

(1) Advise the A-95 clearinghouse(s) of action taken on the application. For ele-

ment(s) of the application approved contrary to clearinghouse(s) recommendations, the participating agency supporting such element(s) shall be responsible for supplying the appropriate clearinghouse(s) with required explanation(s).

(2) Conduct or arrange for the conduct of a preaward survey of the applicant's financial management system. In accordance with appendix F, preaward surveys shall be completed and accepted by the lead agency prior to the joint funding grant award.

(3) Assure an approved cost allocation plan exists or is developed for the applicant organization, in accordance with the following Federal Management Circulars, as appropriate: FMC 74–4, "Cost principles applicable to grants and contracts with State and local governments;" FMC 73–3, "Cost sharing on Federal research;" FMC 73–6, "Coordinating indirect cost rates and audit at educational institutions;" and FMC 73–8, "Cost principles for educational institutions." However, if all participating agencies are supporting a single function or activity, and are able to finance all phases of the work, then the lead agency shall arrange for an agreed upon percentage of support by each participating program for the purpose of distributing charges to the appropriate Federal and non-Federal participants.

(4) Perform the following functions under the direction of the project manager:

(a) Call and chair task force meetings;

(b) Serve as the applicant's primary point of communication with agencies participating in the project during the application processing period;

(c) Coordinate review and approval of the application by participating agencies;

(d) If so requested, arrange for assistance to the applicant to develop the project application, either individually or in cooperation with one or more task force members;

(e) Receive separate agency reviews of the application and, in consultation with the task force, prepare a consolidated notice of approval and grant award, or notice of disapproval, to be forwarded to the applicant by the lead agency;

(f) Maintain an official project file, to include at least the following:

i. agency file control number and, if requested, FRC control number;

ii. original or copy of complete preapplication file;

iii. copy of application and supporting documents submitted by the applicant;

iv. date application received;

v. special considerations requested by applicant;

vi. disposition of application, by program and amount;

vii. list of task force members; and

viii. copy of official notice of approval or disapproval to applicant, and related notification documents.

c. *Participating Federal and State agencies.* Participating Federal and State agencies shall assure the agency is represented on the project task force established by the FRC. The task force representative shall:

(1) Coordinate agency or program review and approval of the application;

(2) Carry out all required actions within deadlines established by the task force, or inform the project manager in writing of the reasons why any such deadlines cannot be met and when the required actions can be taken; and

(3) If so requested, assist the applicant to develop the project application with respect to programs administered by the individual participating agency.

d. *Federal Regional Councils.* The Federal Regional Councils shall:

(1) Maintain a continuing liaison with the lead agency and project task force for purposes of monitoring overall processing of the application; and

(2) Provide a forum for the resolution of specific interagency issues which may arise during the application processing period, and which cannot be resolved by the project task force.

5. *Application review procedures.*

a. *Lead agency functions.* Upon receipt of the application, the project manager shall:

(1) Establish, in consultation with the task force, a deadline for review and approval of the application by participating agencies. The time required for review by participating agencies should be limited to a maximum of 45 calendar days.

(2) Assure copies of the application are provided to all task force members and, if requested, to the FRC.

(3) Arrange for internal review and approval of requests for assistance from lead agency programs.

b. *Participating agency functions.* Upon receipt of the application, task force representatives of participating agencies or programs shall:

(1) Review or arrange for review and approval of the application with respect to programs administered by the task force member's agency.

(2) Notify the project manager in writing at the earliest possible date if the agency or program cannot meet the deadline established for review and approval, to include a statement and justification of the reasons why such deadline cannot be met.

(3) Determine the extent to which the agency or program can accommodate any special timing considerations requested by the applicant, if not previously resolved.

(4) Identify any administratively established program requirements, in addition to or in the absence of any identified by the applicant, which are considered to be impediments to joint funding of the project.

(5) Arrange for review and modification of any administratively established program requirements identified as impediments to joint funding, in accordance with procedures described in appendix G, and discuss the disposition of or actions taken on such requests with the applicant and other task force members, as appropriate.

(6) Discuss with the applicant and other task force members any special conditions upon which agency approval of the application might be subject, and which would be attached to the grant award.

6. *Application approval.*

a. *Agency notification.* Upon completion of its review of the application, each agency shall notify the project manager of the results, in accordance with (1) or (2) below:

(1) *Project approved.* If the agency or program approves the applicant's request for assistance, it shall complete and forward to the lead agency the standard "Participating Agency Grant Award Notice" described in appendix H. In addition to the standard grant award notice, which constitutes an obligation of funds by the agency, the agency or program shall indicate:

(a) Special conditions, if any, to which approval of funds may be subject, based upon prior discussion with the applicant and other participating agencies.

(b) Final disposition or action taken on any administratively established program requirements identified by the applicant or reviewing agency as impediments to joint support of the project.

(c) Any delegation of powers to another Federal agency, if necessary. In accordance with section 7, P.L. 93–510, agency heads may delegate to other Federal agencies powers and functions relating to the supervision or administration of Federal assistance, or otherwise arrange for other agencies to perform such activities, with respect to projects or classes of projects funded under the terms of P.L. 93–510. Delegations may be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in ful conformity with applicable statutory provisions and policies, and shall not relieve agency heads of responsibility for the proper and efficient management of projects funded by their agencies.

(2) *Project disapproved.* If the agency or program disapproves the applicant's request for assistance, it shall indicate the reason(s) for such disapproval.

b. *Task force consolidation of agency actions.* If one or more of the following conditions exist at the end of the review period previously established by the task force, the project manager shall convene the task force to resolve such conditions:

(1) All agencies from which assistance is requested have not completed their review or approved the application. In such instances, the task force shall evaluate the project on the basis of approved funds to ensure it conforms to the scope of a jointly funded project as described in appendix A, subparagraph 2b(1). If the project remains consistent with the purpose and scope of joint funding, the grant may be awarded.

(2) The project is subject to varying or conflicting technical or administrative rules and procedures not required by law. In such instances, the participating agencies shall work in concert to establish uniform, nonconflicting requirements to govern the project, in accordance with procedures described in appendix G.

c. *Notification procedures.* When all contingencies associated with the project have been resolved, the following notification procedures shall be executed:

(1) *Notification to applicant.* The project manager shall comply with (a) or (b) below:

(a) If approved, prepare a single notice of grant award to be forwarded by the lead agency to the applicant, in accordance with procedures described in appendix C; or

(b) If disapproved, prepare an explanation of the reasons for disapproval to be forwarded by the lead agency to the applicant.

(2) *Participating agency notification requirements.* Participating agencies shall comply with notification requirements established by Department of the Treasury Circular (TC) 1082 and Office of Management and Budget (OMB) Circular No. A–95, as appropriate.

7. *Continuation applications.* The project task force will assist the applicant to develop continuation applications for subsequent project years. Such applications will be processed in accordance with the procedures outlined in this appendix, to include submission to the existing lead agency, and coordination for review and approval purposes by members of the project task force. Use of preapplication forms will not be required except in the case of new programs from which assistance previously has not been received for the specific jointly funded project concerned, and continuing programs which may require the submission of a preapplication for each project year as a general agency requirement. Specific task force functions with respect to establishing deadlines for submission and assisting applicants to develop continuation applications are described in appendix C.

PROJECT MANAGEMENT POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the management of jointly funded projects.

2. *Lead agency functions.* The lead agency will coordinate grantor agency participation in the project, and will serve as the grantee's

primary contact for all administrative matters related to the project. The lead agency shall be responsible for the necessary costs of services in administering the jointly funded project unless other arrangements are negotiated with the participating agencies for the provision of funds, services, or materials to aid in the administration of the jointly funded project.

a. *Notification and award of project funds.* D.

Following approval of the project application, the lead agency shall:

(1) Arrange for establishment of a joint management fund for the project, in accordance with procedures described in appendix

(2) Issue a single notice of grant award to the applicant in letter form. A description of the grant award notice as an obligational document is contained in appendix D, subparagraph 5a. In general, notification to the applicant shall specify:

(a) Programs and amounts approved, and shall be limited to those programs which have submitted a "Participating Agency Grant Award Notice" to the lead agency, in accordance with B, subparagraph 6a(1);

(b) Date funds will be available;

(c) Special conditions of the grant (contract) award imposed by participating grantor agencies, provided such conditions previously were discussed with the applicant and other participating agencies, as noted in appendix B, subparagraph 5b(6);

(d) Disposition of or action taken on requests for review and modification of administratively established program requirements identified by the applicant or participating agencies as impediments to joint support of the project, in accordance with procedures described in appendix G;

(e) Any common technical or administrative rules and procedures established for the project, in accordance with appendix G; and

(f) Standard financial and program reporting requirements applicable to the particular project, in accordance with the provision of FMC 74-7, attachments H and I, or the proposed circular entitled, "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," attachments G and H.

b. *Administration of project funds.* Specific procedures governing administration of project funds are described in appendix D. In general, the lead agency shall:

(1) Assure approved funds are made available to the grantee on a timely basis;

(2) Receive and process grantee financial reports, and assure such reports are distributed to participating grantor agencies on a timely basis;

(3) Assure accountability by program appropriation for all Federal funds placed in a joint management fund to ensure such funds are spent for the purposes for which each account was established, in accordance with section 8(b) of the Joint Funding Simplification Act of 1974 (P.L. 93-510);

(4) Determine, from time to time, whether amounts in the joint management fund are in excess of the amounts required, and assure such excess amounts are returned to participating Federal agencies according to applicable appropriations and subject to fiscal year limitations, in accordance with section 8(b), P.L. 93-510;

(5) Oversee the establishment, where appropriate, of a single non-Federal share for any project covered in a joint management fund, based on the Federal share ratios applicable to the Federal assistance programs involved and the proportion of funds transferred to the project account from each of those programs, in accordance with section 8(e), P.L. 93-510; and

(6) Take any actions necessary to revise or terminate project funding, such as revisions to project budgets and amendments to the grant award, in cooperation with the participating grantor agencies involved.

c. *Audit of project funds.* Specific audit procedures are described in appendix F. In general, the lead agency shall:

(1) Assure necessary project audits are scheduled and conducted on a timely basis; and

(2) Assure appropriate actions are taken to implement recommendations noted in audit reports.

d. *Project administration and coordination.* The lead agency shall administer and coordinate the project on behalf of participating grantor agencies. However, neither the lead agency nor the Federal Regional Council which designated the lead agency shall make any decisions concerning the participation or amount of assistance provided by any grantor agency. Further, the lead agency shall not evaluate or suggest corrective actions related to grantee performance of project components supported by any program other than those of the lead agency. Authority to make and execute decisions of the types noted above is vested only in the specific agencies concerned, and cannot be delegated to the lead agency. In carrying out administrative and coordinative functions, the lead agency project manager shall:

(1) Establish and maintain an official project file, to include at least the following:

(a) Appropriate agency file control number;

(b) Original or copy of complete preapplication and application files for the project;

(c) Copy of notice of grant (contract) award;

(d) Copies of all grantee reports;

(e) A record and summary of all project task force meetings;

(f) A record and summary of all project site visits;

(g) Pertinent project correspondence; and

(h) Copies of continuation applications submitted by the grantee.

(2) Continue to chair and convene task force meetings for purposes of:

(a) Monitoring and evaluating overall progress of the project as a jointly funded effort, and of the effectiveness of joint funding policies and procedures in general, in order to assist development of a comprehensive report to the Congress on actions taken under P.L. 93-510, at least one year prior to its expiration, and to make recommendations for its continuation, modification, or termination. Specific requirements for information necessary to develop the aforementioned report, which is to be coordinated by the General Services Administration, will be communicated to Federal Regional Councils, project task forces, and participating agencies as appropriate. The lead agency, however, shall not assume responsibility for normal program monitoring of project components supported by other participating agencies.

(b) Providing a forum for the resolution of specific interagency issues related to the project, as appropriate.

(c) Assisting the grantee to develop continuation applications for subsequent project years, to include:

i. establishment of submission deadlines, and review and approval schedules;

ii. provision of assistance by one or more task force members to help the grantee develop continuation application documents, and to identify supplemental or alternative sources of support for specific project components, as appropriate; and

iii. determination of specific processing procedures described in appendixes A and B which are applicable, based on the scope and content of the continuation application proposed by the grantee.

(d) Establishing a schedule of project site visits by the task force, and coordinating such visits with the grantee and participating grantor agencies.

(3) Help arrange for the provision of any appropriate assistance requested by the granteee, relative to the management of the project as a whole, or of specific components thereof.

(4) Inform participating agencies of any problems that may occur relative to project components they are funding, and help arrange for the most expeditious resolution of such problems between the grantee and representatives of the specific agency(s) concerned.

(5) Receive program reports required of the grantee, and assure such reports are distributed on a timely basis to participating grantor agencies.

3. *Participating grantor agency functions.* Participating grantor agencies shall be responsible for:

a. *Statutory accountability.* Participating grantor agencies *are not relieved* of the responsibility to ensure that funds they provide through a jointly funded arrangement are disbursed and expended properly, in a manner consistent with applicable laws and regulations.

b. *Program monitoring.* Participating grantor agencies shall be responsible for normal program monitoring of those specific project components funded by a particular agency or program. Site visits and other requirements related to the execution of such monitoring responsibilities shall be coordinated with the project manager in order to promote efficient scheduling and eliminate duplicative efforts.

c. *Review of grantee reports.* Participating grantor agencies shall review all financial and program reports submitted by the grantee, either directly or through the lead agency, and shall notify the project manager within 15 working days of the receipt of such reports in accordance with (1) or (2) below:

(1) Acceptance of the reports as submitted with respect to project components funded by the particular agency or program; or

(2) A statement of any problems or discrepancies noted in the reports with respect to project components funded by the particular agency or program, and any actions necessary to resolve such problems.

d. *Administrative support to the lead agency.* Participating grantor agencies shall provide administrative support to the lead agency through:

(1) Appointment of task force members, to include affording such appointees the time and resources necessary to participate fully and effectively in task force activities;

(2) Timely compliance with project review, processing, and funding procedures promulgated by this part, to include the review and modification of administratively established program requirements and development of common technical and administrative rules for particular projects, as needed; and

(3) Acceptance of preapplication, application, and reporting prescribed by this part in lieu of any other forms normally used, except in instances where information of a specific nature is required as a prerequisite to necessary agency action, and which meets requirements stated elsewhere in this part.

e. *Provision of technical assistance and training.* Participating agencies shall provide technical assistance and training to grantees to aid them in meeting planned ob-

jectives of the jointly funded project, as appropriate, in accordance with section 9, Pub. L. 93-510.

4. *Federal Regional Council functions.* The Federal Regional Councils (FRC) shall:

a. *Maintain continuing oversight of joint funding activities.* The FRC's shall maintain continuing oversight of jointly funded activities within their geographic area of responsibility, to include designating an individual or standing committee at the FRC staff level to serve as a liaison to individual project managers and task forces established within the region.

b. *Provide a forum for the resolution of interagency issues.* Issues which arise in the operation of any jointly funded project of an interagency nature, and which cannot be solved at the project task force level, shall be brought before the Federal Regional Council by the project manager for appropriate action and resolution.

5. *Project evaluation and change of lead agency.* Upon a significant change in the project such as changes in the project core activity or the nature and scope of the project, the project task force shall:

a. *Evaluate the project.* The project shall be evaluated to determine its continued need for jointly funded assistance, with particular emphasis on meeting the criteria for a jointly funded project described in appendix A, subparagraph 2b(1).

b. *Recommend a new lead agency.* If changes in the project warrant designation of a new lead agency, the task force shall recommend the same to the Federal Regional Council. In designating a new lead agency, the FRC shall assure any change:

(1) Meets with the approval of participating grantor agencies, and is acceptable to the grantee; and

(2) Is concurrent with the start of a new project funding period.

c. *Management and audit functions.* When a change in lead agency takes place, appropriate arrangements shall be made between the new lead agency and its predecessor with respect to continuing administration of unexpended amounts in the joint management fund and conduct of previously arranged or scheduled audits by the former lead agency.

5. *Federal-State coordination.* Where Federal and State agencies are providing concurrent assistance to a grantee for the same project, Federal Regional Councils and participating Federal agencies, in accordance with section 10, P.L. 93-510, shall make every effort to coordinate the delivery of Federal and State funds through the development of Federal-State agreements and joint assistance. Specific recommendations for coordinating Federal and State participation in jointly funded projects are described in appendix E.

PROJECT FUNDING POLICIES AND PROCEDURES

1. *Purpose.* This appendix presents policies and procedures to be followed in the transfer of funds awarded from grantor agencies to grantees administering jointly funded projects.

2. *Policy intent.* The use of a management fund as authorized in setcion 8(a), Joint Funding Simplification Act of 1974 (P.L. 93-510), along with the Federal letter of credit shall be the preferred method of funding jointly funded projects. Supplemental or parallel funding procedures that complement the management fund may be used if so requested by the grantee, and if their use promotes efficiency and economy in the administration of jointly funded projects. Under joint funding procedures, non-Federal participants' contributions to projects also may be processed through the management fund. Where the use of the management fund and letter of credit procedures by participating grantor agencies are prohibited by statute, appropriate citations should be presented to the lead agency prior to approval of the project in order that alternative funding procedures may be developed in a timely manner. Subparagraph 4e describes procedures to be followed by non-Federal participants.

(3) *Applicability and scope.* These guidelines are provided to augment the procedures established by the U.S. Department of the Treasury in the use of the management fund process and letter of credit procedures for joint funding purposes.

4. *Management fund policies.*

a. *Management fund use.* A management fund is an account authorized by law to record the transactions of intragovernmental activities necessary to carry out a common purpose or project, other than a continuing cycle of operations, which are financed by more than one Federal program or appropriation. Section 8, P.L. 93-510, authorizes the use of a management fund to support jointly funded projects. The management fund is used as a financial devise to record the receipt and expenditure of funds awarded to jointly funded grantees (States, local governments, and private, nonprofit organizations), to enable the grantee to utilize the Federal letter of credit procedure, and to facilitate management by a single agency (management fund agency as described under subparagraph 5d below). A management fund shall be established for all new jointly funded projects, and for those where previous funding has terminated and continuation funding is approved after the effective date of this Part.

b. *Assignment of management fund symbol.* For the purpose of establishing and maintaining the integrity and control of each account, a joint management fund symbol shall be assigned by the U.S. Department of the Treasury to each Federal department or agency that is serving as a lead or management fund agency for one or more jointly funded projects.

c. *Funding projects through the management fund.* The participating grantor agencies shall transfer to the management fund the proportionate share of amounts needed for payment to the grantee. In accordance with section 8(b), P.L. 93-510, the management fund agency shall account by program and appropriation for the amounts provided in support of the purposes of each account established in the management fund as stated in subparagraph 5d below. Any unexpended amounts shall be returned to the management fund by the grantee at the completion of the project. Further, any amounts in excess of the amounts required shall be returned to the participating Federal and non-Federal agencies by the management fund agency according to the applicable appropriations, subject to fiscal year limitations. Excess amounts of Federal funds applicable to expired appropriations will be lapsed from the management fund.

d. *Participating Federal agencies.* Participating agencies shall:

(1) Not use the management fund to report joint funding transactions to the U.S. Department of the Treasury unless they also are designated as the management fund agency.

(2) Verify to the U.S. Department of the Treasury amounts charged to appropriation or fund accounts by the management fund agency. This shall be verified on Treasury Form 6653, "Undisbursed Appropriation Account," which will be forwarded to participating grantor agencies six weeks after the close of each accounting period.

(3) Use information reported to them by the management fund agency to maintain their administrative acounts and to provide information or other financial reports required by the U.S. Department of the Treasury and the Office of Management and Budget.

(4) Contact management fund agency for any reconciliation of differences in reports on funds transferred through management fund in accordance with subparagraph 5f of this appendix.

e. *Non-Federal participants.* The non-Federal participant is a State agency which provides financial assistance for the project through grants or contractual arrangements as authorized by section 10, P.L. 93-510. In addition to State agencies, non-Federal participants may include organizations designated by Federal statutes to receive certain entitlement funds, such as prime sponsors under the Comprehensive Employment and Training Act, and designated Community Development Block Grant recipients. Such assistance may be provided through the management fund, and may be in the form of Federal grant passthrough funds, programs financed entirely by a State or a combination of both with respective proportions identified. Applicable State matching funds for Federal programs also may be processed through the management fund. The non-Federal participants share of the project shall be advanced by check to the project management fund on a quarterly basis. The amounts of such quarterly advance shall be established in the approved project application and subject to approval by the management fund agency.

f. *Non-Federal funding.* The deposit by a participating State grantor agency of Federal block grant funds, formula grants, and the like which can be further granted by a State to a jointly funded grantee via the management fund *does not* represent a return of State funds for use by the Federal Government. All funds deposited in the management fund retain their identity and are specifically reserved for the particular jointly funded grantee involved.

5. *Management fund procedures.*

a. *Notification of joint funding award.* The lead agency issues the joint funding award to the grantee in letter form. In accordance with the provisions of appendix C, subparagraph 2a(2). The grant award is for a single amount representing a total of all assistance authorized for the project. The approved grant award funds represent budgetary and obligation authority to the grantee for the funding period. The award letter sent to the grantee will serve as the lead agency's obligating document for the budgetary funds in the jointly funded project. A copy of the grant award notice shall be provided to participating grantor agencies and the Federal Regional Council.

b. *Lead agency.* Upon issuance of the joint funding award letter, the Federal lead agency assumes responsibility for establishing the management fund, the letter of credit, and other funding arrangements to which the grantee has agreed in order to expedite the delivery of project funds. For a more complete description of the lead agency's functions, see appendix C, "Project Management Policies and Procedures."

c. *Delegation by lead agency of management fund administration.* In accordance with the provisions of section 7, P.L. 93-510, the lead agency may delegate to the participating Federal grantor agency the powers and functions necessary to administer the joint management fund. Delegation under this section shall be made only on such conditions as may be appropriate for the proper and efficient management of project funds. Such delegation by the lead agency shall not relieve the heads of any participating agencies of the responsibility to account for disbursement of agency funds in a manner consistent with applicable laws and regulations.

d. *Management fund agency.* The management fund agency is responsible for reporting joint funding transactions to the

U.S. Department of the Treasury and providing financial data to participating grantor agencies necessary for coordinating administrative and budgetary systems of control. Consolidated financial and audit reports for the entire jointly funded grant are submitted to the management fund agency for review and further reporting to Federal and non-Federal participating agencies. Because accessibility to the Federal Treasury central accounting reporting system is required, the management fund agency must be a Federal agency. However, the management fund agency acts merely as a broker of the Federal and non-Federal funds in the grant. All funds, whatever their origin, do not lose their identity and are available only for use by the grantee in accordance with the terms and conditions of the jointly funded grant. Normally, the management fund agency is the lead agency and shall perform as follows:

(1) Receive the "Participating Agency Grant Award Notice" from each agency providing financial support to the project. The appropriations or fund account to be charged and the amount available for the funding period are noted in the aforementioned form.

(2) Request U.S. Department of the Treasury to establish a joint management fund account and assign the appropriate account symbol. If there is a previously established management fund account assigned to the management fund agency for jointly funded projects, the same shall be utilized. Existing management fund accounts used for purposes other than joint funding will not be used for joint funding transactions.

(3) Utilize the simultaneous charge/credit concept of reporting transactions. No advance payments from Federal participating agencies are required to establish the project management fund. See the U.S. Department of the Treasury Fiscal Requirement Manual for further guidance.

(4) Issue a letter of credit (Standard Form 1193) to the grantee in accordance with the provisions of Treasury Fiscal Requirements Manual, Part VI, as amended. The letter of credit shall be issued to the grantee in an amount equal to the total amount of all grant award notices received from participating agencies. If the management fund agency must administer a hold-back provision imposed by a participating agency, the amount shall not be included in the letter of credit.

(5) Report to the U.S. Department of the Treasury charges and credits to the management fund, and off-setting charges and credits to participating agencies' appropriations and to non-Federal participants' payments (advances) to the management fund.

(6) Notify participating agencies, within 15 calendar days after the close of the accounting month, of amounts they have charged to participating agencies' appropriation or fund accounts. This requirement includes the management fund agency's responsibility to report at the same time to non-Federal participants all receipts of advance payments made to the management fund during the accounting month, the distribution of charges to each of their grants and the respective cash balances in the management fund.

(7) Continuously monitor the amount of obligational authority granted by participants for the purpose of identifying unnecessary amounts. This is accomplished by review of the grantee letter of credit drawdown vouchers against the terms of the authorized grant, by review of the grantee financial reports, and by review of the audit reports. Unobligated amounts identified in audit reports will be returned to the original participating Federal and non-Federal agencies in accordance with instructions furnished by those agencies.

Audit requirements for jointly funded projects are described in appendix F.

e. *Use of letters of credit.* Use of letters of credit shall be covered by a clause in the grant, contract, or other financing agreement whereby the grantee organization commits itself to: (1) the practice of initiating cash drawdowns only when actually needed for its disbursements; (2) the timely reporting of cash disbursements and balances as required by the lead or management fund agency; and (3) the imposition of the same standards of timing and amounts upon any secondary recipients, including furnishing of reports of cash disbursements and balances, with the understanding that failure to adhere to these provisions may cause the unobligated portion of the letter of credit to be revoked by the lead or management fund agency or by the U.S. Department of the Treasury. The financial management system of the recipient organization shall provide for effective control over the accountability for all funds, in accordance with provisions set forth in FMC 74-7, or proposed circular on "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," as appropriate.

f. *Reconciliation of joint funding transactions.*

(1) U.S. Department of the Treasury will report related joint funding transactions (charges and credits reported to the U.S. Department of the Treasury on "Statements of Transactions" by the management fund agency) back to the management fund agency and participating agencies on Treasury Fiscal Service (TFS) Form 6653, "Undisbursed Appropriation Account."

(2) Participating agencies should contact management fund agencies for purposes of reconciliation if the amounts reported to them by the management fund agency and the U.S. Department of the Treasury (TFS Form 6653) vary. Non-Federal participants shall rely on management fund agencies to reconcile disbursements charged to them by the management fund agency.

g. *Treasury reporting requirements for joint funding transactions.* All U.S. Department of the Treasury reporting requirements for joint funding transactions involving the use of the joint management fund are contained in the U.S. Department of the Treasury Fiscal Requirements Manual (FRM). In addition, letter of credit policy and procedures are covered in U.S. Treasury Department Circular 1075, Third Revision, and Part VI, Treasury FRM 2000, respectively. For an example of internal financial operating procedures for jointly funded projects, please refer to Appalachian Regional Commission's (ARC) Instructions 302A-3(1), as amended.

FEDERAL-STATE ASSISTANCE AND AGREEMENTS

1. *Purpose.* It is the purpose of this appendix, in accordance with section 2, Joint Funding Simplification Act of 1974 (P.L. 93-510), to encourage Federal-State arrangements under which local governments and private, nonprofit organizations may more effectively and efficiently combine Federal and State resources in support of projects of common interest to the governments and organizations concerned.

2. *Applicability.* In accordance with section 10, P.L. 93-510, Federal agencies or Federal Regional Councils acting on behalf of member agencies are authorized, and are hereby encouraged, to enter into agreements with States to extend joint funding procedures to projects involving assistance from one or more Federal agencies and one or more State agencies. It also shall be the responsibility of the Federal Regional Councils (FRC) to encourage the governors of States within their geographic areas of responsibility to designate a single State agency or function to receive and coordinate all requests for State participation in jointly funded projects. The FRC's further shall maintain a list of designated State joint funding coordinators within their regions, and shall assure such information is made known to prospective applicants.

3. *Policy intent.* The intent of section 10, P.L. 93-510, is to encourage greater Federal-State cooperation in the provision of joint assistance to eligible applicants. A number of specific suggestions to improve such cooperation are noted in this appendix. It is emphasized, however, that the suggestions given are only a summary list of probable opportunities for shared Federal-State responsibility. Federal and State agencies participating in jointly funded projects are encouraged to examine all possible means to facilitate the provision of joint assistance and, within the general guidelines promulgated through this part, to establish working agreements related to the specific needs of the individual projects and grantees involved.

4. *Types of agreements.* Subject to applicable Federal and State laws, Federal-State arrangements may include agreements for the processing of requests for, or the administration of, assistance to projects on a joint basis. Specific agreements may include, but are not limited to, the following:

a. *Preapplication and application processing.* Agreements to jointly process project preapplications and applications shall conform generally to the procedures described in appendixes A and B, and might include:

(1) Establishment of coordinated Federal-State review and approval schedules and requirements, whereby:

(a) A single Federal or State activity agrees to oversee preapplication or application processing by all participating grantor agencies; or

(b) A single Federal and a single State activity agree to jointly oversee all preapplication or application processing by participating grantor agencies at their respective governmental levels, and to coordinate all responses to the applicant.

(2) Establishment of a single project task force:

(a) Chaired by a lead Federal or a lead State agency, under the general auspices of the FRC; or

(b) Co-chaired by a lead Federal and a lead State agency, again under FRC auspices, each of which shall be responsible for coordinating the participation of grantor agencies at their respective levels of government.

(3) Acceptance by participating State agencies of Federal preapplication and application forms, in order to establish a single format for the project.

(4) Joint agreement to waive single or specific public agency eligibility requirements for programs from which an applicant requests assistance and which are subject to both Federal and State approval, in accordance with the provisions described in appendix A, subparagraph 2b(3).

b. *Project funding.* The delivery of Federal and State funds to the grantee may be coordinated through:

(1) Establishment of parallel Federal and State funding mechanisms, whereby the timing of Federal and State payments to the grantee are synchronized on the basis of a project funding cycle acceptable to all participating grantor agencies; or

(2) Establishment of a single joint management fund for approved Federal revenues which, at their option, participating State grantor agencies may elect to utilize as a

delivery medium for approved State funds, in accordance with procedures described in appendix D.

c. *Project management and monitoring.* Project management and monitoring may be enhanced through:

(1) Establishment of a single Federal-State project task force, chaired by a single Federal or State lead agency, or chaired jointly by a Federal and a State lead agency, as described in subparagraph 4a(2) above;

(2) Coordinated Federal-State program monitoring requirements, to include conduct of joint Federal-State site visits, as needed;

(3) State acceptance of Federal financial and program reporting forms and procedures, in order to establish a single reporting requirement for grantees;

(4) Conduct of single project audits acceptable to all participating agencies; and

(5) Coordinated provision of joint Federal-State technical assistance or training to applicants and grantees, as appropriate.

JOINT FUNDING AUDITS

1. *Purpose.* This appendix sets forth policies to be followed in the audit of jointly funded projects. It supplements policies prescribed by Federal Management Circular (FMC) 73-2, "Audit of Federal Operations and Programs by Executive Branch Agencies," and "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," published by the U.S. General Accounting Office.

2. *Policy and procedures.*

a. *Preaward survey.* Prior to the original award for a jointly funded project, the lead agency shall conduct or arrange for the conduct of a preaward survey to assess the applicant's financial management system, including the accounting methods and internal controls employed by the applicant. Particular emphasis should be placed on the applicant's ability to allocate and account for funds on the basis of the specific programs and activities they benefit. This is necessary since section 8(b) of the Joint Funding Simplification Act of 1974 (P. L. 93-510) states the grantor agency administering a joint management fund "shall be responsible and accountable by program and appropriation for the amounts provided for the purposes of each account established in the fund." The preaward survey may be waived in those cases where participating agencies are satisfied the applicant's financial management system is adequate for joint funding. If a preaward survey is conducted, the audit agency performing the survey shall be given at least 30 calendar days prior to the joint funding grant award to complete the survey and submit its findings to the lead agency.

b. *Interim audit of new projects.* An interim audit of all new jointly funded projects shall be conducted six months after the grant award is made. Such audits shall be arranged by the lead agency in consultation with other participating grantor agencies. The purpose of the interim audit is to ensure that the grantee's financial management system is operating effectively.

c. *Periodic audits.* During each of the first two years of a jointly funded project, the lead agency shall conduct or arrange for the conduct of an annual audit after consultation with the other participating grantor agencies concerning their audit requirements. Thereafter, audits shall be conducted with reasonable frequency, usually annually, but not less frequently than once every two years. The nature, size, and complexity of the project shall be taken into consideration when determining the frequency of audits. More frequent audits should be conducted, however, where there is cause to believe an audit is necessary. Every effort should be made to schedule and announce all audits planned for the forthcoming funding period at the time of the grant award in accordance with subparagraph 6b, FMC 73-2. In those cases where State grantor agencies are involved in joint funding projects, the Federal lead agency shall coordinate with the State agencies involved regarding arrangements for and conduct of audits.

d. *Use of non-Federal audits.* With regard to preaward surveys and audits, the lead agency will utilize to the maximum extent possible survey and audit work conducted through arrangements made by the grantee or by other components of governmental bodies or organizations of which the grantee is a part.

e. *Distribution of audit reports.* The lead agency will furnish copies of audit reports to the grantee, each grantor agency, the Federal Regional Council, and the General Services Administration (AMM), Washington, DC 20405, as quickly as possible after audits are completed.

f. *Access to records.* In accordance with section 8(d), P.L. 93-510, the head of the Federal agency responsible for administering the joint management fund and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents, papers, and records of joint funding recipients that are pertinent to the moneys received from such fund.

3. *Grantee responsibilities.*

a. *Financial management.* The grantee financial management system for joint funding projects shall be established in accordance with the provisions set forth in FMC 74-7, attachment G or the proposed circular entitled, "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," attachment F, whichever is applicable.

b. *Audit.* Grantees are to conduct or arrange for audits with reasonable frequency to assure satisfactory operation of the grantee's financial management system, in accordance with subparagraph 2h, attachment G, FMC 74-7, or subparagraph 2h, attachment F, of the proposed circular on "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," whichever is applicable.

c. *Response to audit findings and recommendations.* The grantee shall be responsible for timely and appropriate resolution of audit findings and recommendations, in cooperation with the lead agency and participating grantor agencies. Failure by the grantee to correct noted deficiencies within an agreed upon time period may be cause for suspension or termination of all or portions of the joint funding award.

4. *Followup procedure on audit findings.* Compliance with any remedial actions taken in response to audit findings and recommendations shall be in conformance with the following procedures:

a. *Lead agency.* Consistent with lead agency responsibilities set forth in appendix C of this part, the lead agency shall assume oversight responsibility for assuring compliance with audit findings and recommendations, while the resolution of any specific deficiency or discrepancy noted by the audit shall be the responsibility of the grantor agency whose prorgam funds are at issue. The lead agency shall:

(1) Arrange for meetings with the appropriate grantor agency(s), audit agency, and applicant to determine remedial actions to be taken in response to audit findings and recommendations.

(2) Require grantor and grantee agencies subject to audit findings to report on the status of corrective actions taken.

(3) Arrange, at the request of the audit agency or a grantor agency, any meetings necessary to resolve outstanding deficiencies noted in the audit report.

REVIEWING IMPEDING REQUIREMENTS AND ESTABLISHING UNIFORM REQUIREMENTS

1. *Purpose.* This appendix establishes criteria and outlines procedures for review and modification, under the authority of section 3(b)(3) of the Joint Funding Simplification Act of 1974 (P.L. 93-510), of administratively established program requirements which may impede the joint support of projects pursued thereunder. It furthermore provides guidelines for establishment, under section 6(a) of P.L. 93-510, of uniform technical or administrative requirements.

2. *Policy intent.* Review and modification of impeding administratively established program requirements may be necessary to permit joint support of proposed projects, to allow expeditious processing of applications, or to promote effective and efficient management of jointly supported projects. Agencies participating in jointly funded projects should establish uniform provisions in order to provide for projects that would otherwise be subject to varying or conflicting technical or administrative rules and procedures not required by law.

3. *Definition.* As used in this appendix, the term "administratively established program requirement" means a rule or procedure, imposed by administrative regulation or order, which is not *expressly* stated in the enabling legislation under which such administrative regulation or order was formulated.

4. *Policy and procedures.*

a. *Review and modification of administratively established program requirements.*

(1) *Preapplication.* (a) *Applicant request.* As noted in appendix A, subparagraph 2b(4), the applicant shall include as supplemental information to the standard preapplication form an identification and request for agency review of administratively established program requirement(s), if any, which the applicant considers to be serious impediments to the proposed project. An administratively established program requirement, as described in paragraph 3 above, shall be termed a serious impediment if conformance to such requirement would prevent or seriously hamper the joint support of a project pursued thereunder.

(b) *Agency review.* As noted in appendix A, subparagraph 5a(5), each Federal agency reviewing official shall, with respect to the program(s) administered by that agency from which an applicant requests assistance, assess the applicant's identification and request for review of administratively established program requirement(s) considered to be serious impediments to the proposed project. Each agency reviewing official also shall identify administratively established program requirement(s), in addition to or in the absence of any such requirements identified by the applicant, which the agency considers to be serious impediments to the proposed project.

(c) *Agency action.* During the preapplication review, as described in appendix A, paragraph 5, each agency reviewing official shall obtain from the agency head or person designated by the agency head a review and modification, to the greatest practicable extent, of the administratively established program requirement(s) identified by the applicant or agency reviewing official as serious impediments to the proposed project.

(d) *Notification.* As described in appendix A, subparagraph 6a(3), each agency shall notify the coordinating officer concerning disposition of or action taken on requests for review and modification of administratively established program requirement(s) identified by the applicant or the agency as serious impediments to the proposed project. In the event of favorable review of the preapplication, the coordinating office shall include such information in the single "Notice of Preapplication Review" transmitted to the applicant, in accordance with appendix A, subparagraph 6b(1)(e).

(e) *Preapplication conference.* The preapplication conference, as described in appendix A, subparagraph 7b(2), provides an opportunity to potential funding agencies and the applicant to discuss the probable disposition of unresolved or disputed matters related to any administratively established program requirements considered to be serious impediments to joint funding of the proposed project, and initially to review administrative questions of an interagency nature.

(2) *Application.* (a) *Applicant request.* As noted in appendix A, subparagraph 2b(3), the applicant shall include as supplemental information to the basic application form an identification and request for agency review and modification of administratively established program requirement(s) the applicant considers to be impediments to joint support of the proposed project, provided such requests were not made and resolved during the preapplication review period. An administratively established program requirement, as described in paragraph 3 above, shall be termed a serious impediment if conformance to such requirement would interfere with the expeditious processing of an application or with effective and efficient management of a jointly supported project pursued thereunder.

(b) *Agency review.* As noted in appendix A, subparagraph 5b(4), each agency task force representative shall, with respect to the program(s) administered by that agency from which an applicant requests assistance, identify administratively established program requirement(s), in addition to or in the absence of any such requirements identified by the applicant, which the task force representative considers to be an impediment to joint funding of the project.

(c) *Agency action.* Upon receipt of the application as described in appendix B, subparagraph 5b(5), each task force representative shall request the agency head or person designated by the agency head to review and modify any administratively established program requirements identified by the applicant or the task force representative as impediments to joint support of the project. Each agency head or person designated by the agency head shall determine the extent to which such requirements can be modified and shall make such modification.

(d) *Notification.* i. As described in appendix B, subparagraph 5b(7), the task force representative shall discuss with the applicant and other task force members the disposition of or action taken on any administratively established program requirements identified by the applicant or the task force representative as an impediment to joint funding of the project. The purpose of such discussion shall be to determine that the disposition of or action taken on requests for review and modification of impeding administratively established program requirements is compatible with any such disposition or action taken by other participating agencies.

ii. As described in appendix B, subparagraph 6a(1)(b), if an agency approves the applicant's request for assistance, the agency shall notify the project manager of the final disposition of or action taken on any requests for review and modification of administratively established program requirement(s) identified by the applicant or task force representative as impediments to joint support of the project.

iii. As described in appendix C, subparagraph 2a(2)(d), the lead agency shall specify in the notice of grant award to the grantee the disposition of or action taken on requests for review and modification of administratively established program requirements identified by the applicant or participating agencies as impediments to joint support of the project.

b. *Establishment of common administrative or technical rules.*

(1) *Scope.* Agencies participating in a jointly funded project shall act in concert during the task force consolidation of agency actions [appendix B, subparagraph 6b(2)] to establish, as necessary, a group of nonconflicting requirements to govern the project. In accordance with section 6(a), Pub. L. 93-510, Federal agency heads or persons specified by them shall adopt common administrative or technical requirements when there are among participating agencies in a jointly supported project inconsistent or conflicting requirements relating to:

(a) Financial administration of such projects, including accounting, reporting, auditing, and maintaining separate bank accounts;

(b) Timing of Federal payments for such projects where a single or combined schedule is to be established for the project as a whole;

(c) Whether assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant; and

(d) Accountability for or the disposition of records, property, or structures acquired or constructed with Federal assistance.

(2) *Limitations.* Authority of heads of Federal agencies to establish common administrative or technical requirements for subjects specified in section 6(a), Pub. L. 93-510, shall:

(a) Be limited to problems that cannot be adequately dealt with through other actions pursuant to the Joint Funding Simplification Act or other applicable law.

(b) Be applied only as necessary to promote expeditious processing of applications or effective and efficient administration of projects.

(c) Be applied in a manner consistent with statutory requirements, program purposes, and the protection of the Federal interest.

(3) *Notification.* As described in appendix C, subparagraph 2a(2)(c), the lead agency shall specify, in the notice of grant award to the grantee, any common technical or administrative rules and procedures established for the project.

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PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

National Interim Primary Drinking Water Regulations

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

[FRL 464-7]

PART 141—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS

On March 14, 1975, the Environmental Protection Agency (EPA) proposed National Interim Primary Drinking Water Regulations pursuant to sections 1412, 1414, 1415, and 1450 of the Public Health Service Act ("the Act"), as amended by the Safe Drinking Water Act ("SDWA," Pub. L. 93-523), 40 FR 11990. EPA held public hearings on the proposed regulations in Boston, Chicago, San Francisco, and Washington during the month of April. Several thousand pages of comments on the proposed regulations were received and evaluated. In addition, the Agency has received comments and information on the proposed regulations from the National Drinking Water Advisory Council, the Secretary of Health, Education, and Welfare, and from numerous others during meetings with representatives of State agencies, public interest groups and others.

The regulations deal only with the basic legal requirements. Descriptive material will be provided in a guidance manual for use by public water systems and the States.

The purpose of this preamble to the final regulations is to summarize the most significant changes made in the proposed regulations as a result of comments received and the further consideration of available information. A more detailed discussion of the comments and of changes in the proposed regulations is attached as Appendix A.

Water Systems Covered

The Safe Drinking Water Act applies to each "public water system," which is defined in Section 1401(4) of the Act as "a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals." Privately owned as well as publicly owned systems are covered. Service "to the public" is interpreted by EPA to include factories and private housing developments. (See generally, House Report, pp. 16-17.)

The definition of "public water system" proposed in the Interim Primary Drinking Water Regulations sought to explain the meaning of the statutory reference to "regular" service. It was proposed to interpret this term as including service for as much as three months during the year. Because the proposed definition would have excluded many large campgrounds, lodges, and other public accommodations which serve large numbers of tourists but which are open for slightly less than three months each year, the definition in the final version covers systems serving an average of at least twenty-five individuals at least 60 days out of the year. The use of a minimum number of days rather than months also makes clear that a system may qualify as a public water system even if it is not open every day during a given month.

Once "public water system" has been defined, it is necessary to define the two major types of public water systems—those serving residents and those serving transients or intermittent users. The possible health effects of a contaminant in drinking water in many cases are quite different for a person drinking the water for a long period of time than for a person drinking the water only briefly or intermittently. Different regulatory considerations may in some cases apply to systems which serve residents as opposed to systems which serve transients or intermittent users. Accordingly, § 141.2(e) makes clear that all "public water systems" fall within either the category of "community water systems" or the category of "non-community water systems." To make clear which regulatory requirements apply to which type of system, the category covered is specifically indicated throughout the regulations.

The proposed regulations defined a "community water system" as "a public water system which serves a population of which 70 percent or greater are residents." Reliance in the proposed definition on the percentage of water system users who are residents would result in treating some fairly large resort communities with many year-round residents as non-community systems. Therefore, the definition of "community water system" has been changed to cover any system which serves at least 15 service connections used by year-round residents or serves at least 25 year-round residents.

Small Community Water Systems

Many community water systems in the country are quite small. Since it is the intention of the Act to provide basically the same level of health protection to residents of small communities as to residents of large cities, and since a number of advanced water treatment techniques are made feasible only by economies of scale, the cost of compliance with the requirements of the Act may pose a serious problem for many small communities. The regulations seek to recognize the financial problems of small communities by requiring more realistic monitoring for systems serving fewer than 1,000 persons. Variances and exemptions authorized by the Act can also assist in dealing with economic problems of small community systems in appropriate cases, at least temporarily. EPA will provide technical assistance on effective treatment techniques which can be used by small systems.

These methods of dealing with the financial problems of some small community systems may not be sufficient in specific instances to make compliance with all applicable regulatory requirements feasible. EPA is commencing a study of potential problems faced by small community systems in meeting applicable requirements under the Act and these regulations, and, if necessary, will make additional adjustments in the Interim Primary Drinking Water Regulations prior to their effective date.

Non-Community Systems

"Non-community systems" are basically those systems which serve transients. They include hotels, motels, restaurants, campgrounds, service stations, and other public accommodations which have their own water system and which have at least 15 service connections or serve water to a daily average of at least 25 persons. Some schools, factories and churches are also included in this category. It is conservatively estimated that there are over 200,000 non-community water systems in the country. However, it should be recognized that while their number is large, they normally are not the principal source of water for the people they serve.

The regulations as proposed would have applied all maximum contaminant levels to non-community systems as well as to community systems. This approach failed to take into account the fact that the proposed maximum contaminant levels for organic chemicals and most inorganic chemicals were based on the potential health effects of long-term exposure. Those levels are not necessary to protect transients or intermittent users. Therefore, the final regulations provide that maximum contaminant levels for organic chemicals, and for inorganic chemicals other than nitrates, are not applicable to non-community systems. An exception was made for nitrates because they can have an adverse health effect on susceptible infants in a short period of time.

Even without monitoring for organic chemicals or most inorganic chemicals, in the initial stages of implementation of the drinking water regulations, monitoring results from tens of thousands of non-community systems could overwhelm laboratory capabilities and other resources. This could delay effective implementation of the regulations with respect to the community systems which provide the water which Americans drink every day. To avoid this result, non-community systems will be given two years after the effective date of the regulations to commence monitoring. In the meantime, non-community systems which already monitor their water are encouraged to continue to do so, and the States are encouraged to take appropriate measures to test or require monitoring for non-community systems that serve large numbers of people.

Of course, non-community systems which pose a threat to health should be dealt with as quickly as possible. The maximum contaminant levels applicable to non-community water systems therefore will take effect 18 months after promulgation, at the same time as levels applicable to community systems. Inspection and enforcement authority will apply to non-community systems at the same time as to community systems.

Sanitary Surveys

EPA encourages the States to conduct sanitary surveys on a systematic basis.

These on-site inspections of water systems are more effective in assuring safe water to the public than individual tests taken in the absence of sanitary surveys. The regulations provide that monitoring frequencies for coliform bacteria can be changed by the entity with primary enforcement responsibility for an individual non-community system, and in certain circumstances for an individual community system, based on the results of a sanitary survey.

Maximum Contaminant Levels

Numerous comments were received by EPA on the substances selected for the establishment of maximum contaminant levels and on the levels chosen. Congress anticipated that the initial Interim Primary Drinking Water Regulations would be based on the Public Health Service Standards of 1962, and this Congressional intent has been followed. Comments received on the various levels did not contain new data sufficient to require the establishment of levels different from those contained in the Public Health Service Standards.

Water Consumption

The maximum contaminant levels are based, directly or indirectly, on an assumed consumption of two liters of water per day. The same assumption was used in the 1962 Standards. This assumption has been challenged because of instances where much higher water consumption rates occur. EPA's justification for using the two-liter figure is that it already represents an above average water or water-based fluid intake. Moreover, while the factor of safety may be somewhat reduced when greater quantities of water are ingested, the maximum contaminant levels based on the two-liter figure provide substantial protection to virtually all consumers. If, as has been suggested, a water consumption rate of eight liters per day is used as the basis for maximum contaminant level, all of the proposed MCL's would have to be divided by four, greatly increasing the monitoring difficulties, and in some cases challenging the sensitivity of accepted analytical procedures. It could be expected, in such a case, that the maximum contaminant levels would be exceeded to a significant degree, and that specialized treatment techniques would be required to order that the contaminant levels would be reduced. The economic impact of a move in this direction would be enormous. It is not technically or economically feasible to base maximum contaminant levels on unusually high consumption rates.

Safety Factors

A question was raised about the fact that different safety factors are contained in various maximum contaminant levels. The levels are not intended to have a uniform safety factor, at least partly because the knowledge of and the nature of the health risks of the various contaminants vary widely. The levels set are the result of experience, evaluation of the available data, and professional judgment. They have withstood the test of time and of professional review. They are being subjected to further review by the National Academy of Sciences in connection with development of data for the Revised Primary Drinking Water Regulations.

MCL's Based on Temperature

A question was also raised as to whether ranges of maximum contaminant levels should be established on the basis of the climate in the area served by the public water system, as was done with fluoride. EPA believes that the use of a temperature scale for fluoride is more appropriate than for other chemicals because of the studies available on the fluoride-temperature relationship and because there is a small margin with fluoride between beneficial levels and levels that cause adverse health effects.

MCL's Deleted

Three proposed maximum contaminant levels have been eliminated in the final regulations because they are not justified by the available data. One of these is carbon chloroform extract (CCE), which is discussed separately below. The others are the proposed levels for the standard bacterial plate count and cyanide. In the case of the plate count, it is believed that the coliform limits contained in the regulations, combined with the turbidity maximum contaminant level, adequately deal with bacterial contamination. However, EPA continues to believe that the standard plate count is a valid indicator of bacteriological quality of drinking water, and recommends that it be used in appropriate cases in conjunction with the coliform tests as an operational tool.

The proposed maximum contaminant level for cyanide was eliminated because the possibility of cyanide contamination can be effectively addressed only by the use of emergency action, such as under Section 1431 of the Act. EPA's 1969 Community Water Supply Study did not reveal a single instance in which cyanide was present in a water system at a level greater than one-thousandth of the level at which cyanide is toxic to humans.

Available data indicate that cyanide will be present in water systems at toxic levels only in the event of an accident, such as a spill from a barge collision. Maximum contaminant levels are not the appropriate vehicle for dealing with such rare, accidental contamination.

Heptachor, heptachlor epoxide and chlordane have also been removed from the list of maximum contaminant levels at least temporarily in view of the pending cancellation and suspension proceedings under the Federal Insecticide, Fungicide and Rodenticide Act involving those pesticides. When the results of these proceedings are available, EPA will again consider whether maximum contaminant levels should be established for those three pesticides.

Sodium and Sulfates

A number of comments were received on the potential health effects of sodium and sulfates. The National Drinking Water Advisory Council has recommended that consideration be given to the monitoring of these constituents, but has not recommended the adoption of maximum contaminant levels because available data do not support the adoption of any specific levels. EPA has requested the National Academy of Sciences to include sodium and sulfates among the contaminants to be studied by NAS, and to include information on the health effects of sodium and sulfates in the report to be made by NAS in December 1976.

Since a number of persons suffer from diseases which are influenced by dietary sodium intake and since there are others who wish to restrict their sodium intake, it is desirable that the sodium content of drinking water be known. Those affected can, by knowing the sodium concentration in their drinking water, make adjustments to their diets or, in extreme cases, seek alternative sources of water to be used for drinking and food preparation. It is recommended that the States institute programs for regular monitoring of the sodium content of drinking water served to the public, and for informing physicians and consumers of the sodium concentration in drinking water.

A relatively high concentration of sulfate in drinking water has little or no known laxative effect on regular users of the water, but transcients using such water sometimes experience a laxative effect. It is recommended that the States institute monitoring programs for sulfates, and that transients be notified if the sulfate content of the water is high. Such notification should include an assessment of the possible physiological effects of consumption of the water.

PCB's and Asbestos

An interagency comment expressed concern for asbestos and PCB's in the environment and noted the need for at least a monitoring requirement, if not for MCL's, for these contaminants. EPA is also concerned, but for the moment lacks sufficient evidence regarding analytical methods, health effects, or occurrence in the environment to establish MCL's. The Agency is conducting research and cooperating in research projects to develop criteria for establishing needed limits as quickly as possible. A monitoring study on a number of organic chemical contaminants, including PCB's, for which MCL's are not being established at this time, will be contained in an organic chemical monitoring regulation that is being promulgated with these regulations. Regarding asbestos, HEW and EPA are sponsoring a number of studies this year at an approximate cost of $16 million to establish health effects, anayltical methods and occurrence.

Point of Measurement

Other comments on maximum contaminant levels focused on the proposed requirement that such levels be tested at the consumer's tap. Concern was expressed over the inability of the public water system to control potential sources

of contaminants which are under the control of the consumer.

The promulgated definition of "maximum contaminant level," § 141.2(d), retains the requirement that the maximum contaminant level be measured at the tap except in the case of turbidity, which should be measured at the point of entry to the distribution system. However, the definition has been expanded to make clear that contaminants added to the water by circumstances under the control of the consumer are not the responsibility of the supplier of water, unless the contaminants result from corrosion of piping and plumbing resulting from the quality of the water supplied. It should be noted, however, that this requirement should not be interpreted as to discourage local, aggressive cross connection control measures.

Coliform Bacteria MCL's

The promulgated MCL's for coliform bacteria are basically the 1962 Public Health Service Standards, with minor refinements and clarifications. However, further changes may be desirable. For example, the MCL's for the membrane filter analytical method do not resolve the question of how many coliform bacteria are assumed to be present in a single highly contaminated sample. Some laboratories assume an upper limit of 50, while others seek to continue to count individual bacteria to a level of 100 or even higher in a single sample. The upper limit assumed will affect the monthly average which is calculated to determine compliance with the MCL's.

Another question relating to the coliform bacteria MCL's is the matter of possible spurious positive samples. As the regulations are written, all routine samples taken to determine compliance with the MCL's must be counted, regardless of the results of analysis of any check samples that may be taken. The reason for this is that bacterial contamination is often intermittent or transient, and as a result negative check samples taken a day or more after a positive sample cannot demonstrate that the positive result was in error. It may be possible, however, to prescribe a means of dealing with spurious positive results without compromising the integrity of the MCL's.

A third question concerning the MCL's for coliform bacteria is the relationship of monthly averages of coliform bacteria levels to monthly percentages of positive samples. For example, the monthly average MCL for the membrane filter method is violated if the monthly average exceeds one coliform bacterium per sample. However, for purposes of determining whether the monthly-percentage-of-positive-samples MCL is violated, a sample is counted as positive only if it contains more than four coliform bacteria. Thus, it is possible, particularly when a relatively small number of samples is taken, for a system to fail the monthly average MCL even when no single sample taken during the month is out of compliance with the limit.

These and other questions concerning the coliform bacteria MCL's will be reviewed further by EPA. If review indicates that changes in the MCL's are desirable, those changes will be made as soon as possible but within 6 months, in time to take effect at the same time as the initial Interim Primary Drinking Water Regulations.

Organic Chemicals

The proposed maximum contaminant levels for organic pesticides, other than the three which are the subject of cancellation and suspension proceedings, have been retained. It is anticipated that additional organic pesticides will be added to the regulations if surveys of pesticides in drinking water being conducted by EPA indicate that this is needed.

The proposed regulations also contained a maximum contaminant level for organic chemicals obtained by the carbon chloroform extract (CCE) method. It was anticipated by Congress that organic chemicals would be dealt with primarily in the Revised Primary Drinking Water Regulations because of the paucity of accurate data on the health effects of various organic chemicals, the large number of such chemicals, uncertainities over appropriate treatment techniques, and the need for additional information on the incidence of specific organic chemicals in drinking water supplies. EPA thought that the CCE standard might provide an appropriate means of dealing with organic chemicals as a class pending action on the Revised Primary Regulations.

The CCE standard was originally developed as a test for undesirable tastes and odors in drinking water. As concern developed over the health effects of organic chemicals, the possibility of using CCE as a health standard rather than an esthetic standard was considered.

As pointed out by numerous comments, CCE has many failings as an indicator of health effects of organic chemicals. To begin with, the test obtains information on only a fraction of the total amount of organic chemicals in the water sampled. Furthermore, there is serious question as to the reliability of CCE in identifying those organic chemicals which are most suspected of adverse health effects. In addition, there are no existing data on which a specific level for CCE can be established on a rational basis. To establish a maximum contaminant level under these circumstances would almost certainly do more harm than good. It could give a false sense of security to persons served by systems which are within the established level and a false sense of alarm to persons served by systems which exceed the level. It also would divert resources from efforts to find more effective ways of dealing with the organic chemicals problem.

EPA believes that the intelligent approach to the organic chemicals question is to move ahead as rapidly as possible along two fronts. First, EPA is adopting simultaneously with these regulations a Subpart E of Part 141, containing requirements for organic chemical monitoring pursuant to Sections 1445 and 1450 of the Act.

The regulations require that designated public water systems collect samples of raw and treated water for submission to EPA for organics analysis. EPA will analyze the samples for a number of broad organic parameters, including carbon chloroform extract (CCE), volatile and non-volatile total organic carbon (VTOC and NVTOC), total organic chlorine (TOCl), ultraviolet absorbancy, and fluorescence. In addition, monitoring will be required for probably 21 specific organic compounds. Selection of the specific compounds has been based on the occurrence or likelihood of occurrence in treated water, toxicity data and availability of practical analytical methods. Laboratory analyses will be used to evaluate the extent and nature of organic chemical contamination of drinking water, to evaluate the validity of the general organic parameters as surrogates for measures of harmful organic chemicals, and to determine whether there is an adequate basis for establishing maximum contaminant levels for specific organics or groups of organics.

Second, EPA is embarking on an intensive research program to find answers to the following four questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any Primary Drinking Water Regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of these compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to concentrations that may be specified in the Primary Drinking Water Regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by the end of this year, while much of the remainder are to be completed within the next calendar year.

As soon as sufficient information is derived from the monitoring program and related research, the Interim Primary Drinking Water Regulations will be amended so that the organic chemicals problem can be dealt with without delay. The monitoring process will be completed within 1 year.

During the interim period, while satisfactory MCL's for organic contamination in drinking water are being developed, EPA will act in specific cases where appropriate to deal with organic contamination. If the EPA monitoring program reveals serious specific cases of contamination, EPA will work with State and local authorities to identify the source and nature of the problem and to

take remedial action. EPA will also aid the States in identifying additional community water supplies that require analysis.

PUBLIC NOTICE

The public notice requirements proposed in § 141.32 did not distinguish between community and non-community public water systems. They would have required that public notice of non-compliance with applicable regulations be made by newspaper, in water bills, and by other media for all public water systems. These requirements are inappropriate and ineffective in the case of most non-community water systems. Those systems principally serve transients who do not receive water bills from the system and who probably are not exposed significantly to the local media. A more effective approach would be to require notice that can inform the transient before he drinks the system's water, and thereby both warn the transient and provide an incentive to the supplier of water to remedy the violation. Accordingly, Section 141.32 as adopted provides that in the case of non-community systems, the entity with primary enforcement responsibility shall require that notice be given in a form and manner that will insure that the public using the public water system is adequately informed.

The proposed public notice requirements also failed to distinguish between different types of violations of the Interim Primary Drinking Water Regulations. Since the urgency and importance of a notice varies according to the nature of the violation involved, § 141.32 as promulgated seeks to match the type of notice required with the type of violation involved. Written notice accompanying a water bill or other direct notice by mail is required for all violations of the regulations, including violations of monitoring requirements, and for the grant of a variance or exemption. In addition, notice by newspaper and notification to radio and television stations is required whenever a maximum contaminant level is exceeded, or when the entity with primary enforcement responsibility requires such broader notice.

QUALITY CONTROL AND TESTING PROCEDURES

Section 1401(1) of the Act defines "primary drinking water regulation" to include "quality control and testing procedures." The promulgated regulations include testing requirements for each maximum contaminant level, including check samples and special samples in appropriate cases. The regulations also specify the procedures to be followed in analyzing samples for each of the maximum contaminant levels. These procedures will be updated from time to time as advances are made in analytical methods. For example, references to "Standard Methods for the Examination of Water and Wastewater" are to the current, 13th, edition, but these references will be changed to cite the 14th edition when it is available in the near future.

A key element of quality control for public water systems is accurate laboratory analysis. Section 141.28 of the regulations provides that analyses conducted for the purpose of determining compliance with maximum contaminant levels must be conducted by a laboratory approved by the entity with primary enforcement responsibility. EPA will develop as soon as possible, in cooperation with the States and other interested parties, criteria and procedures for laboratory certification. A State with primary enforcement responsibility will have a laboratory certified by EPA pursuant to the prescribed criteria and procedures, and in turn will certify laboratories within the State.

Record-keeping requirements and reports to the State also will assist in quality control efforts.

RECORD-KEEPING

Adequate record-keeping is necessary for the proper operation and administration of a public water system. It is also important for providing information to the public, providing appropriate data for inspection and enforcement activities and providing information on which future regulations can be based. Accordingly, a new § 141.33 has been added to the regulations to require that each public water system maintain records of sample analyses and of actions to correct violations of the Primary Drinking Water Regulations.

ECONOMIC AND COST ANALYSIS

A comprehensive economics study has been made of the Interim Primary Drinking Water Regulations. This study estimates the costs of the regulations, evaluates the potential economic impact, and considers possible material and labor shortages. The results of this analysis are summarized here.

Total investment costs to community water systems to achieve compliance with these regulations are estimated to be between $1,050 and $1,765 million. It is estimated that non-community systems will invest an additional $24 million. The range of the estimate is due to uncertainty as to the design flow that will be used in installing treatment facilities. Systems not in compliance will have to consider sizing their new components to reflect average daily flow conditions, or maximum daily flow conditions in cases where system storage is not adequate.

This investment will be spread over several years. Investor-owned systems will bear about one-fourth of these costs, and publicly-owned systems the remainder. It is not anticipated that systems will have difficulty financing these capital requirements.

In annual terms, national costs are expected to be within the following ranges:

	In millions
Capital costs	$146–247
Operations and maintenance	263–263
Monitoring (routine only)	17– 35
Total	$426–545

Although these aggregate figures are large, most water consumers will not be significantly affected. For those users in systems serving 10,000 persons or more, the average annual treatment cost per capita may increase from less than $1.00 for systems requiring disinfection and lead control, to between $15 to $35 for control of turbidity and heavy metal removal. For systems serving less than 100 persons, the average annual per capita costs of disinfection, lead control and fluoride/arsenic removal are estimated to be between $2.10 and $11.80. However, if turbidity control or heavy metal removal were required in a system of this size then costs are expected to range from $52 to $237 per year per capita. EPA is aware of the serious potential economic impact on users in these small systems. However, the legislative history specifies that the regulations should be based on costs that can be reasonably afforded by large metropolitan or regional systems. Further economic evaluation of these systems is being conducted, and realistic options for these small systems are being reviewed. Options that will be under consideration include less costly treatment technologies; formation of regional systems; and use of alternative water sources. Industrial and commercial users, whether providing their own water or using public systems, are not expected to be significantly affected by these regulations.

Possible constraints to the implementation of the interim primary regulations were examined. Although there will be an increase in demand for chemicals, manpower, laboratories, and construction of treatment facilities, it is not anticipated that any of these factors will be a serious obstacle to implementation of these regulations over a reasonable time frame.

For the reasons given above, Chapter 40 of the Code of Federal Regulations is hereby amended by the addition of the following new Part 141. These regulations will take effect 18 months after promulgation.

(It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with Executive Order 11821)

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General

Sec.
141.1 Applicability.
141.2 Definitions.
141.3 Coverage.
141.4 Variances and exemptions.
141.5 Siting requirements.
141.6 Effective date.

Subpart B—Maximum Contaminant Levels

141.11 Maximum contaminant levels for inorganic chemicals.
141.12 Maximum contaminant levels for organic chemicals.
141.13 Maximum contaminant levels for turbidity.
141.14 Maximum microbiological contaminant levels.

Subpart C—Monitoring and Analytical Requirements

141.21 Microbiological contaminant sampling and analytical requirements.

Sec.
141.22 Turbidity sampling and analytical requirements.
141.23 Inorganic chemical sampling and analytical requirements.
141.24 Organic chemical sampling and analytical requirements.
141.27 Alternative analytical techniques.
141.28 Approved laboratories.
141.29 Monitoring of consecutive public water systems.

Subpart D—Reporting, Public Notification, and Record-keeping

141.31 Reporting requirements.
141.32 Public notification of variances, exemptions, and non-compliance with regulations.
141.33 Record maintenance.

AUTHORITY: Secs. 1412, 1414, 1445, and 1450 of the Public Health Service Act, 88 Stat. 1660 (42 U.S.C. 300g–1, 300g–3, 300j–4, and 300j–9).

Subpart A—General

§ 141.1 Applicability.

This part establishes primary drinking water regulations pursuant to section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act (Pub. L. 93–523); and related regulations applicable to public water systems.

§ 141.2 Definitions.

As used in this part, the term:

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93–523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

(d) "Person" means an individual, corporation, company, association, partnership, State, municipality, or Federal agency.

(e) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(i) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(ii) "Non-community water system" means a public water system that is not a community water system.

(f) "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

(g) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(h) "State" means the agency of the State government which has jurisdiction over public water systems. During any period when a State does not have primary enforcement responsibility pursuant to Section 1413 of the Act, the term "State" means the Regional Administrator, U.S. Environmental Protection Agency.

(i) "Supplier of water" means any person who owns or operates a public water system.

§ 141.3 Coverage.

This part shall apply to each public water system, unless the public water system meets all of the following conditions:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(c) Does not sell water to any person; and

(d) Is not a carrier which conveys passengers in interstate commerce.

§ 141.4 Variances and exemptions.

Variances or exemptions from certain provisions of these regulations may be granted pursuant to Sections 1415 and 1416 of the Act by the entity with primary enforcement responsibility. Provisions under Part 142, *National Interim Primary Drinking Water Regulations Implementation*—subpart E (Variances) and subpart F (Exemptions)—apply where EPA has primary enforcement responsibility.

§ 141.5 Siting requirements.

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of an existing public water system, he shall notify the State and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

(a) Is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or

(b) Except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist.

The U.S. Environmental Protection Agency will not seek to override land use decisions affecting public water systems siting which are made at the State or local government levels.

§ 141.6 Effective date.

The regulations set forth in this part shall take effect 18 months after the date of promulgation.

Subpart B—Maximum Contaminant Levels

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(a) The maximum contaminant level for nitrate is applicable to both community water systems and non-community water systems. The levels for the other inorganic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to § 141.23.

(b) The following are the maximum contaminant levels for inorganic chemicals other than fluoride:

Contaminant	*Level, milligrams per liter*
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05

(c) When the annual average of the maximum daily air temperatures for the location in which the community water system is situated is the following, the maximum contaminant levels for fluoride are:

Temperature Degrees Fahrenheit	Degrees Celsius	Level, milligrams per liter
53.7 and below	12.6 and below	2.4
53.8 to 58.3	12.1 to 14.6	2.2
58.4 to 63.8	14.7 to 17.6	2.0
63.9 to 70.6	17.7 to 21.4	1.8
70.7 to 79.2	21.5 to 26.2	1.6
79.3 to 90.5	26.3 to 32.5	1.4

§ 141.12 Maximum contaminant levels for organic chemicals.

The following are the maximum contaminant levels for organic chemicals. They apply only to community water systems. Compliance with maximum contaminant levels for organic chemicals is calculated pursuant to § 141.24.

	Level, milligrams per liter
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6,7-epoxy-1,4, 4a,5,6,7,8,8a-octahydro-1,4-endo, endo-5,8 - dimethano naphthalene).	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro-2, 2 - bis [p-methoxyphenyl] ethane).	0.1
Toxaphene ($C_{10}H_{10}Cl_8$-Technical chlorinated camphene, 67–69 percent chlorine).	0.005

(b) Chlorophenoxys:	
2,4-D, (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid).	0.01

§ 141.13 Maximum contaminant levels for turbidity.

The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

(a) One turbidity unit (TU), as determined by a monthly average pursuant to § 141.22, except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the State that the higher turbidity does not do any of the following:

(1) Interfere with disinfection;

(2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

(3) Interfere with microbiological determinations.

(b) Five turbidity units based on an average for two consecutive days pursuant to § 141.22.

§ 141.14 Maximum microbiological contaminant levels.

The maximum contaminant levels for coliform bacteria, applicable to community water systems and non-community water systems, are as follows:

(a) When the membrane filter technique pursuant to § 141.21(a) is used, the number of coliform bacteria shall not exceed any of the following:

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to § 141.21 (b) or (c);

(2) Four per 100 milliliters in more than one sample when less than 20 are examined per month; or

(3) Four per 100 milliliters in more than five percent of the samples when 20 or more are examined per month.

(b) (1) When the fermentation tube method and 10 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) more than 10 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) three or more portions in more than one sample when less than 20 samples are examined per month; or

(iii) three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

(2) When the fermentation tube method and 100 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) more than 60 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) five portions in more than one sample when less than five samples are examined per month; or

(iii) five portions in more than 20 percent of the samples when five or more samples are examined per month.

(c) For community or non-community systems that are required to sample at a rate of less than 4 per month, compliance with paragraphs (a), (b)(1), or (b)(2) of this section shall be based upon sampling during a 3 month period, except that, at the discretion of the State, compliance may be based upon sampling during a one-month period.

Subpart C—Monitoring and Analytical Requirements

§ 141.21 Microbiological contaminant sampling and analytical requirements.

(a) Suppliers of water for community water systems and non-community water systems shall analyze for coliform bacteria for the purpose of determining compliance with § 141.14. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 662–688, except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the 5 tube most probable number (MPN) procedure (fermentation tube method) shall be 5 times the standard portion. The standard portion is either 10 milliliters or 100 milliliters as described in § 141.14 (b) and (c). The samples shall be taken at points which are representative of the conditions within the distribution system.

(b) The supplier of water for a community water system shall take coliform density samples at regular time intervals, and in number proportionate to the population served by the system. In no event shall the frequency be less than as set forth below:

Population served:	*Minimum number of samples per month*
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,301 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,300	25
22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,901 to 25,000	29
25,001 to 28,000	30
28,001 to 33,000	35
33,001 to 37,000	40
37,001 to 41,000	45
41,001 to 46,000	50
46,001 to 50,000	55
50,001 to 54,000	60
54,001 to 59,000	65
59,001 to 64,000	70
64,001 to 70,000	75
70,001 to 76,000	80
76,001 to 83,000	85
83,001 to 90,000	90
90,001 to 96,000	95
96,001 to 111,000	100
111,001 to 130,000	110
130,001 to 160,000	120
160,001 to 190,000	130
190,001 to 220,000	140
220,001 to 250,000	150
250,001 to 290,000	160
290,001 to 320,000	170
320,001 to 360,000	180
360,001 to 410,000	190
410,001 to 450,000	200
450,001 to 500,000	210
500,001 to 550,000	220
550,001 to 600,000	230
600,001 to 660,000	240
660,001 to 720,000	250
720,001 to 780,000	260
780,001 to 840,000	270
840,001 to 910,000	280
910,001 to 970,000	290
970,001 to 1,050,000	300
1,050,001 to 1,140,000	310
1,140,001 to 1,230,000	320
1,230,001 to 1,320,000	330
1,320,001 to 1,420,000	340
1,420,001 to 1,520,000	350
1,520,001 to 1,630,000	360
1,630,001 to 1,730,000	370
1,730,001 to 1,850,000	380
1,850,001 to 1,970,000	390
1,970,001 to 2,060,000	400
2,060,001 to 2,270,000	410
2,270,001 to 2,510,000	420
2,510,001 to 2,750,000	430
2,750,001 to 3,020,000	440
3,020,001 to 3,320,000	450
3,320,001 to 3,620,000	460
3,620,001 to 3,960,000	470
3,960,001 to 4,310,000	480
4,310,001 to 4,690,000	490
4,690,001 or more	500

Based on a history of no coliform bacterial contamination and on a sanitary survey by the State showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a community water system serving 25 to 1,000 persons, with written permission from the State, may reduce this sampling frequency except that in no case shall it be reduced to less than one per quarter.

(c) The supplier of water for a non-community water system shall sample for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling shall begin within two years after the effective date of this part. If the State, on the basis of a sanitary survey, determines that some other frequency is more appropriate, that frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or changed on the basis of subsequent surveys.

(d) (1) When the coliform bacteria in a single sample exceed four per 100 milliliters (§ 141.14(a)), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency estab-

lished by the State, until the results obtained from at least two consecutive check samples show less than one coliform bacterium per 100 milliliters.

(2) When coliform bacteria occur in three or more 10 ml portions of a single sample (§ 141.14(b)(1)), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the State, until the results obtained from at least two consecutive check samples show no positive tubes.

(3) When coliform bacteria occur in all five of the 100 ml portions of a single sample (§ 141.14(b)(2)), at least two daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the State, until the results obtained from at least two consecutive check samples show no positive tubes.

(4) The location at which the check samples were taken pursuant to paragraphs (d) (1), (2), or (3) of this section shall not be eliminated from future sampling without approval of the State. The results from all coliform bacterial analyses performed pursuant to this subpart, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria as established in § 141.14. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance with § 141.21 (b) or (c).

(e) When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed in paragraphs (d) (1), (2), or (3) of this section, the supplier of water shall report to the State within 48 hours.

(f) When a maximum contaminant level set forth in paragraphs (a), (b) or (c) of § 141.14 is exceeded, the supplier of water shall report to the State and notify the public as prescribed in § 141.31 and § 141.32.

(g) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with § 141.14 or § 141.21 (b) or (c).

(h) A supplier of water of a community water system or a non-community water system may, with the approval of the State and based upon a sanitary survey, substitute the use of chlorine residual monitoring for not more than 75 percent of the samples required to be taken by paragraph (b) of this section, *Provided*, That the supplier of water takes chlorine residual samples at points which are representative of the conditions within the distribution system at the frequency of at least four for each substituted microbiological sample. There shall be at least daily determinations of chlorine residual. When the supplier of water exercises the option provided in this paragraph (h) of this section, he shall maintain no less than 0.2 mg/l free chlorine throughout the public water distribution system. When a particular sampling point has been shown to have a free chlorine residual less than 0.2 mg/l, the water at that location shall be retested as soon as practicable and in any event within one hour. If the original analysis is confirmed, this fact shall be reported to the State within 48 hours. Also, if the analysis is confirmed, a sample for coliform bacterial analysis must be collected from that sampling point as soon as practicable and preferably within one hour, and the results of such analysis reported to the State within 48 hours after the results are known to the supplier of water. Analyses for residual chlorine shall be made in accordance with "Standard Methods for the Examination of Water and Wastewater," 13th Ed., pp. 129–132. Compliance with the maximum contaminant levels for coliform bacteria shall be determined on the monthly mean or quarterly mean basis specified in § 141.14, including those samples taken as a result of failure to maintain the required chlorine residual level. The State may withdraw its approval of the use of chlorine residual substitution at any time.

§ 141.22 Turbidity sampling and analytical requirements.

(a) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with § 141.13. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 350–353, or "Methods for Chemical Analysis of Water and Wastes," pp. 295–298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the State within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 TU, the supplier of water shall report to the State and notify the public as directed in § 141.31 and § 141.32.

(c) Sampling for non-community water systems shall begin within two years after the effective date of this part.

(d) The requirements of this § 141.22 shall apply only to public water systems which use water obtained in whole or in part from surface sources.

§ 141.23 Inorganic chemical sampling and analytical requirements.

(a) Analyses for the purpose of determining compliance with § 141.11 are required as follows:

(1) Analyses for all community water systems utilizing surface water sources shall be completed within one year following the effective date of this part. These analyses shall be repeated at yearly intervals.

(2) Analyses for all community water systems utilizing only ground water sources shall be completed within two years following the effective date of this part. These analyses shall be repeated at three-year intervals.

(3) For non-community water systems, whether supplied by surface or ground water sources, analyses for nitrate shall be completed within two years following the effective date of this part. These analyses shall be repeated at intervals determined by the State.

(b) If the result of an analysis made pursuant to paragraph (a) indicates that the level of any contaminant listed in § 141.11 exceeds the maximum contaminant level, the supplier of water shall report to the State within 7 days and initiate three additional analyses at the same sampling point within one month.

(c) When the average of four analyses made pursuant to paragraph (b) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the State pursuant to § 141.31 and give notice to the public pursuant to § 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(d) The provisions of paragraphs (b) and (c) of this section notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the State pursuant to § 141.31 and shall notify the public pursuant to § 141.32.

(e) For the initial analyses required by paragraph (a)(1), (2) or (3) of this section, data for surface waters acquired within one year prior to the effective date and data for ground waters acquired within 3 years prior to the effective date of this part may be substituted at the discretion of the State.

(f) Analyses conducted to determine compliance with § 141.11 shall be made in accordance with the following methods:

(1) Arsenic—Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 95–96, Environ-

mental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(2) Barium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 97–98, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(3) Cadmium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 101–103, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(4) Chromium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 105–106, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(5) Lead—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 112–113, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(6) Mercury—Flameless Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 118–126, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(7) Nitrate—Brucine Colorimetric Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 461–464, or Cadmium Reduction Method, "Methods for Chemical Analysis of Water and Wastes," pp. 201–206, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(8) Selenium—Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," p. 145, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(9) Silver—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater", 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes", p. 146, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(10) Fluoride—Electrode Method, "Standard Methods for the Examination of Water and Wastewater", 13th Edition, pp. 172–174, or "Methods for Chemical Analysis of Water and Wastes," pp. 65–67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or Colorimetric Method with Preliminary Distillation, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 171–172 and 174–176, or "Methods for Chemical Analysis of Water and Wastes," pp. 59–60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

§ 141.24 Organic chemical sampling and analytical requirements.

(a) An analysis of substances for the purpose of determining compliance with § 141.12 shall be made as follows:

(1) For all community water systems utilizing surface water sources, analyses shall be completed within one year following the effective date of this part. Samples analyzed shall be collected during the period of the year designated by the State as the period when contamination by pesticides is most likely to occur. These analyses shall be repeated at intervals specified by the State but in no event less frequently than at three year intervals.

(2) For community water systems utilizing only ground water sources, analyses shall be completed by those systems specified by the State.

(b) If the result of an analysis made pursuant to paragraph (a) of this section indicates that the level of any contaminant listed in § 141.12 exceeds the maximum contaminant level, the supplier of water shall report to the State within 7 days and initiate three additional analyses within one month.

(c) When the average of four analyses made pursuant to paragraph (b) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall report to the State pursuant to § 141.31 and give notice to the public pursuant to § 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(d) For the initial analysis required by paragraph (a) (1) and (2) of this section, data for surface water acquired within one year prior to the effective date of this part and data for ground water acquired within three years prior to the effective date of this part may be substituted at the discretion of the State.

(e) Analyses made to determine compliance with § 141.12(a) shall be made in accordance with "Method for Organochlorine Pesticides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973.

(f) Analyses made to determine compliance with § 141.12(b) shall be conducted in accordance with "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973.

§ 141.27 Alternative analytical techniques.

With the written permission of the State, concurred in by the Administrator of the U.S. Environmental Protection Agency, an alternative analytical technique may be employed. An alternative technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

§ 141.28 Approved laboratories.

For the purpose of determining compliance with § 141.21 through § 141.27, samples may be considered only if they have been analyzed by a laboratory approved by the State except that measurements for turbidity and free chlorine residual may be performed by any person acceptable to the State.

§ 141.29 Monitoring of consecutive public water systems.

When a public water system supplies water to one or more other public water systems, the State may modify the monitoring requirements imposed by this part to the extent that the interconnection of the sysems jusifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the State and concurred in by the Administrator of the U.S. Environmental Protection Agency.

Subpart D—Reporting, Public Notification and Record Keeping

§ 141.31 Reporting requirements.

(a) Except where a shorter reporting period is specified in this part, the supplier of water shall report to the State within 40 days following a test, measurement or analysis required to be made by this part, the results of that test, measurement or analysis.

(b) The supplier of water shall report to the State within 48 hours the failure to comply with any primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

§ 141.32 Public notification.

(a) If a community water system fails to comply with an applicable maximum contaminant level established in Subpart B, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required pursuant to Section 1445 (a) of the Act, the supplier of water shall notify persons served by the system of the failure or grant by inclusion of a notice in the first set of water bills of the system issued after the failure or grant

and in any event by written notice within three months. Such notice shall be repeated at least once every three months so long as the system's failure continues or the variance or exemption remains in effect. If the system issues water bills less frequently than quarterly, or does not issue water bills, the notice shall be made by or supplemented by another form of direct mail.

(b) If a community water system has failed to comply with an applicable maximum contaminant level, the supplier of water shall notify the public of such failure, in addition to the notification required by paragraph (a) of this section, as follows:

(1) By publication on not less than three consecutive days in a newspaper or newspapers of general circulation in the area served by the system. Such notice shall be completed within fourteen days after the supplier of water learns of the failure.

(2) By furnishing a copy of the notice to the radio and television stations serving the area served by the system. Such notice shall be furnished within seven days after the supplier of water learns of the failure.

(c) If the area served by a community water system is not served by a daily newspaper of general circulation, notification by newspaper required by paragraph (b) of this section shall instead be given by publication on three consecutive weeks in a weekly newspaper of general circulation serving the area. If no weekly or daily newspaper of general circulation serves the area, notice shall be given by posting the notice in post offices within the area served by the system.

(d) If a non-community water system fails to comply with an applicable maximum contaminant level established in Subpart B of this part, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirement of any schedule prescribed pursuant to a variance or exemption or fails to perform any monitoring required pursuant to Section 1445(a) of the Act, the supplier of water shall given notice of such failure or grant to the persons served by the system. The form and manner of such notice shall be prescribed by the State, and shall insure that the public using the system is adequately informed of the failure or grant.

(e) Notices given pursuant to this section shall be written in a manner reasonably designed to inform fully the users of the system. The notice shall be conspicuous and shall not use unduly technical language, unduly small print or other methods which would frustrate the purpose of the notice. The notice shall disclose all material facts regarding the subject including the nature of the problem and, when appropriate, a clear statement that a primary drinking water regulation has been violated and any preventive measures that should be taken by the public. Where appropriate, or where designated by the State, bilingual notice shall be given. Notices may include a balanced explanation of the significance or seriousness to the public health of the subject of the notice, a fair explanation of steps taken by the system to correct any problem and the results of any additional sampling.

(f) Notice to the public required by this section may be given by the State on behalf of the supplier of water.

(g) In any instance in which notification by mail is required by paragraph (a) of this section but notification by newspaper or to radio or television stations is not required by paragraph (b) of this section, the State may order the supplier of water to provide notification by newspaper and to radio and television stations when circumstances make more immediate or broader notice appropriate to protect the public health.

§ 141.33 Record maintenance.

Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of bacteriological analyses made pursuant to this part shall be kept for not less than 5 years. Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(1) The date, place, and time of sampling, and the name of the person who collected the sample;

(2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

(3) Date of analysis;

(4) Laboratory and person responsible for performing analysis;

(5) The analytical technique/method used; and

(6) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

Appendix A—Response to Public Comments

Proposed National Interim Primary Drinking Water Regulations[1] were published for comment on March 14, 1975, 40 FR 11990. Written comments on the proposed regulations were invited, and public hearings were held in Boston, Chicago, San Francisco and Washington, D.C. Almost five hundred written submissions were received, totaling several thousand pages. Seventy-seven witnesses testified at the public hearings. In all, an aggregate of over 3,500 discrete comments were contained in the written submissions and in oral testimony.

As a result of these comments and further consideration of available data by EPA, a number of changes were made in the proposed regulations. The principal changes are summarized in the preamble to the final regulations. The purpose of Appendix A is to discuss the comments received on various aspects of the proposed regulations, and to explain EPA's response to those comments.

I. Definitions

1. *"Public Water System."* More than fifty comments were directed to the definition of "public water system" contained in § 141.1. Concern was expressed over the fact that the definition does not track the statutory definition word for word. Questions were also raised concerning the coverage of specific types of facilities with their own water systems, such as parks, schools, trailer camps and factories.

The reason for expanding the statutory definition was to express more specifically the Congressional intent. The statutory definition, contained in Section 1401(4) of the Public Health Service Act ("the Act"),[2] covers all systems with at least fifteen service connections or "regularly" serving at least 25 individuals. The term "regularly" is not explained in the statute, but the legislative history of the statute makes clear that Congress intended to cover virtually all public accommodations which have their own water supply and serve at least 25 individuals. The proposed regulations therefore explained "regularly" as meaning "daily at least three months out of the year." This three-month period has been shortened to 60 days in the final regulations because campgrounds and other public accommodations serving water for as much as 60 days during the year appear to fall within the classes of facilities Congress intended to cover. If a public water system serves the requisite number of service connections or persons for a total of 60 days during a calendar year, even if the service is intermittent, it is a public water system.

It is clear from the breadth of the definition of "public water system" in the Act and from the legislative history that the coverage of the Primary Drinking Water Regulations is not limited to traditional water utilities. Campgrounds, trailer camps, factories, parks, schools, restaurants, gasoline stations, motels and other facilities which have their own water systems must comply with the regulations if they serve the requisite number of service connections or the requisite number of persons.

Proposed § 141.3, entitled "Coverage," apparently contributed to confusion over the meaning of "public water system." That section, which was taken from section 1411 of the Act, exempts from the Primary Drinking Water Regulations, public water systems which meet four specified conditions. Over

[1] The proposed regulations actually were designated "Interim Primary Drinking Water Standards." Because the Safe Drinking Water Act refers to "Regulations" rather than "Standards," the final version of the regulations does not use the term "Standards" in the title.

[2] Statutory authority for the adoption of Primary Drinking Water Regulations is derived from the Safe Drinking Water Act, Public Law 93-523, which added a new Title XIV to the Public Health Service Act. References to pertinent sections in the United States Code accordingly are to the Public Health Service Act rather than to the Safe Drinking Water Act.

50 comments were received on this section. In response to comments asking for clarification of the section, it has been revised to make clear that a public water system must meet each of the four listed conditions in order to be exempted from the regulations. Thus, a public water system is exempted only if it consists only of distribution and storage facilities and it obtains all of its water from, but is not owned or operated by, a public water system to which the regulations apply, and it does not sell water and it is not a carrier which conveys passengers in interstate commerce. Interstate carriers, therefore, are not exempted, even if they have only storage and distribution facilities, obtain all their water from a public water system, and do not sell water to the public. However, a public facility such as a hotel or restaurant is exempted if it has only storage and distribution facilities, obtains all its water from a public water system and does not sell water to the public.

Of course, many facilities serving transients obtain water by direct connection to a conventional water utility system and either do not constitute a separate system or are excluded from coverage because they meet all four of the conditions listed in § 141.3. And in some cases, such as gasoline stations, even when the facility has its own water system it often will not qualify as a public water system because it does not serve water to the requisite number of service connections or persons.

2. *"Community Water System."* Two comments requested clarification of the definition of a "community water system," § 141.2. The purpose of defining this term is to allow appropriate regulatory distinctions between public water systems which serve residents on a year-round basis and public water systems which principally serve transients or intermittent users. Different monitoring requirements are appropriate for the two types of systems, and, as discussed below, some maximum contaminant levels are not applicable to non-community systems.

The proposed regulations defined "community water system" as "a public water system which serves a population of which 70 percent or greater are residents." This definition distinguished community systems on the basis of service to residents, but it excluded a number of systems which serve a large number of residents throughout the year. For example, some large resort communities may have several hundred or even several thousand year-round residents who nevertheless make up less than 70 percent of the population of the community at any given time. Water systems in such communities should be treated as "community systems" in order to provide appropriate protection for the year-round residents in the community. Thus, the definition of a "community water system" has been revised to cover any system which serves at least 15 service connections used by year-round residents or serves at least 25 year-round residents.

A definition for "non-community system" has been added to make it clear that a public water system is categorized as being either a community or a non-community system.

3. *"Maximum contaminant level" and "contaminant."* Over 150 comments were directed to the definition of "maximum contaminant level" or the definition of "contaminant."

The definition of "contaminant" contained in § 141.2 was criticized for its breath. The term as defined includes virtually any constituent in water, including constituents considered to be harmless or even beneficial. The definition was taken directly from Section 1401(6) of the Act. It is not intended to suggest that all constituents in water are undesirable, but rather is intended to permit the regulation of any constituent which may be found to be harmful. The definition has been retained as proposed.

The definition of "maximum contaminant level" was criticized for requiring measurement of the level at the "free flowing outlet of the ultimate user of a public water system." This definition carries out the intent of Congress that "drinking water regulations are intended to be met at the consumer's tap." (H. Rep. No. 93-1185, 93rd Cong., 2nd Sess. 13 (1974)). The purpose of the Primary Drinking Water Regulations is to assure that water used by the public is safe. This can be assured only if maximum contaminant levels are met at the tap.

The final regulations retain the requirement that maximum contaminant levels be met at the consumer's tap, but have been amended to meet the point made in many comments that a public water system cannot be held responsible for contamination of water which is the fault of the consumer. It would be unreasonable to hold a public water system in violation of a maximum contaminant level if the level is exceeded at the consumer's tap as a result of the user's attachment of a faulty home treatment device, because of cross-connections in the user's plumbing system or because the plumbing is used to ground electrical systems. The definition of "maximum contaminent level" in § 141.2(d) therefore provides that "Contaminants added to the water under circumstances under the control of the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition." This wording is not meant to deter or to detract from the maintenance of a cross-connection control program by the supplier.

The proposed definition provides for measurement of turbidity at the point of entry to the distribution system, rather than at the consumer's tap, since measurement of turbidity at this point is a more meaningful indicator of the sanitary quality of the water.

4. *"Sanitary survey."* A definition of the term "sanitary survey" has been added as § 141.2(f), because sanitary surveys are referred to at several points in the final regulations. Comments from many sources, including the National Drinking Water Advisory Council, urged EPA to emphasize the importance of sanitary surveys of public water systems as a means of assuring that Primary Drinking Water Regulations will be met. The definition contained in the regulations reflects the broad extent of adequate sanitary surveys, including on-site review of the water source, facilities, equipment, operation and maintenance of a public water system.

5. *Other definitions.* Other comments were received on the definitions of "person" and "supplier of water". These definitions were taken directly from section 1401 of the Act, and have been retained in the final regulations. As in the case of some comments on the definition of "public water system," a number of these comments were based on an erroneously restricted view of the coverage of the Act. As noted above, Congress intended that Primary Drinking Water Regulations apply to a broad range of facilities with their own water systems, not just to conventional water utilities. The owner or operator of a restaurant or motel, for example, is a "supplier of water" if the facility has its own water system and serves the requisite number of service connections or persons.

II. Inorganic Chemicals

1. *General Comments.* Comments on maximum contaminant levels ("MCL's") for inorganic chemicals (§ 141.11) included questions on the analytical aspects of the MCL's—whether these were total or dissolved levels, whether the analytical methodology was adequate for the cited levels, whether an allowance had been made for analytical variations, and whether the public water system's laboratory or some other laboratory would be performing the analyses. The Administrator has verified that all of the substances for which MCL's have been specified can be measured readily by available methodology at the applicable levels. The analytical methods cited in these regulations provide information on analytical variability, and the check-sample and averaging techniques cited in § 141.23 provide additional allowances for human or mechanical errors. Two comments urged that MCL's for inorganic chemicals be deferred until issuance of the report of the National Academy of Sciences pursuant to Section 1412(e) of the Act. However, it was the intent of Congress that the Interim Primary Drinking Water Regulations be promulgated as soon as possible, so that at least minimal protection to water consumers would be available during the period that the Academy is preparing that report.

2. *Water consumption.* The MCL's for inorganic chemicals and other contaminants are based on an individual consumption rate of two liters of water per day. Fourteen comments agreed with the two-liter figure or contended that a lower figure should be used. Four comments urged the adoption of a higher consumption figure. An environmental organization submitted data indicating that some segments of the population, such as foundry workers and heavy drinkers, consume an average of susbtantially more than two liters per day.

EPA's assumption of a two liter per day water intake rate was based on evidence that the average consumption of adult males is at a rate of 1.25–1.5 liters per day and that the average consumption rate of women and children is even lower. Because Congress intended that susceptible groups in the population should be protected to the extent feasible, the use of a two-liter figure provides protection for the great majority of the population which consumes an average amount of water, or less than an average amount, or even as much as one-third more than the average amount. To base all maximum contaminant levels on the water consumption rate of the small percentage of the population which drinks much more water each day would be unrealistic and enormously expensive.

This is not to say that the maximum contaminant levels do not protect persons who drink water at a substantially higher rate than normal. As indicated below, critical maximum contaminant levels have substantial safety factors. The safety factors for persons drinking unusually large quantities of water are not as high as those for the majority of the population, but they do provide a reasonable degree of protection under the circumstances.

3. *Safety factors.* One set of comments questioned the fact that different safety factors are contained in various proposed maximum contaminant levels. The group commenting agreed that a uniform safety factor should not be used, but requested a more systematic discussion of safety factors at least with respect to inorganic chemicals.

The regulations are, as anticipated by Congress, based on the 1962 Public Health Service Standards, as reviewed in 1973 by the EPA Advisory Committee. The standards were not developed by a systematic approach to safety factors, at least partly because of amount of knowledge about, and the nature of the health risk of, the various contaminants covered a very broad range. The regulations are the result of experience, evaluation of the available data, and professional review.

In the Statement of Basis and Purpose for these regulations, the safety factor represented by a number of the maximum contaminant levels for inorganic chemicals was estimated. The purpose of this was to deter-

mine whether the estimated safety factor was roughly consistent with the type of information available and the nature of the health risk presented. It was not intended to rewrite the regulations on the basis of estimated safety factors.

The National Academy of Sciences has been asked to review each of the substances for which maximum contaminant levels are being set, as part of the NAS study for the adoption of Revised Primary Drinking Water Regulations. Any new information obtained by NAS on the safety factors involved will be carefully analysed by EPA.

4. *Arsenic.* Thirteen comments addressed the proposed MCL for arsenic (§ 141.11(a)). Most comments regarding arsenic recommended an MCL of 0.1 mg/l on the basis that no adverse health effects have been demonstrated from the consumption of water containing this amount.

The Administrator has considered raising the arsenic limit to 0.1 mg/l for the same reason cited in many comments—no adverse health effects have been demonstrated from consumption of water containing this amount or more, at least not in this country. However, arsenic has been shown to be a potential carcinogen in some of its forms in industrial exposures, and there appears to be a correlation between arsenic levels in drinking water and the occurrence of skin cancer in other countries. While the role of arsenic as a carcinogen or co-carcinogen has not been firmly established, it does not seem to be prudent at this time to raise the arsenic limit.

5. *Barium.* Two comments concerned the MCL for barium, and both expressed concern over required compliance when the MCL is exceeded as the result of naturally occurring barium in ground water.

Maximum contaminant levels apply equally to naturally occurring substances and those occurring as the result of man-made pollution. When barium is found to exist in a ground water source, the course of action is to attempt its removal, such as by conventional water treatment processes or ion exchange, or to obtain a different water source. If such action is not feasible, the system can seek a variance or exemption under the provisions of these and subsequent regulations.

6. *Cadmium.* Three comments suggested that the cadmium limit should be revised to allow more protection for cigarette smokers, while 49 comments emphatically denounced the concept of having non-smokers bear the financial burden of lowering the cadmium limit for the benefit of smokers. The Administrator is aware of the fact that smokers will be provided a smaller factor of safety on the basis of the cadmium limit, but he agrees with the majority that a reduction of the limit cannot be justified.

7. *Chromium.* The seven comments on the MCL for chromium included suggestions that the limit be raised, that it be eliminated, or that it be specified as only for hexavalent chromium.

The limit for chromium is based on the known toxicity of the hexavalent form. Since this form is the one most likely to be found in drinking water, and since the specified analytical detection method (atomic absorption spectrophotometry) does not distinguish between the valence states, the MCL is for total chromium. If part of the chromium present is in a lower valence state, the MCL provides an additional margin of safety.

8. *Cyanide.* There were only two comments on the MCL for cyanide—one stating that the MCL was too low and one stating that the limit was based on insufficient data. Since small amounts of cyanide do not constitute a health hazard, and since chlorination further reduces the toxicity of cyanide, this substance is rarely a problem in drinking water, and there appears to be no justification for including cyanide in the list of inorganic chemicals for which MCL's are established in these Regulations. Cyanide has not been identified during routine sampling of drinking water in concentrations greater than $\frac{1}{10}$ of the proposed MCL, which itself is $\frac{1}{100}$ of the level at which cyanide has adverse health effects on humans. It does not appear that there is justification for requiring tens of thousands of communities to monitor for this substance. Further, cyanide occurs, however rarely, in drinking water primarily as a result of spills or other accidents, which can be more appropriately controlled by other laws or regulations, such as Section 1431 of the Act. The Administrator, therefore, has decided to withdraw cyanide from the Interim Primary Drinking Water Regulations. The States may require monitoring for cyanide in appropriate circumstances.

9. *Lead.* The one comment on the MCL for lead stated that the limit is too low and that it is below or near the detection limit. The Administrator has verified that the atomic absorption spectrophotometric method specified has the necessary sensitivity for detection of the metal at the specified concentration.

10. *Fluoride.* The 94 comments on the fluoride MCL's covered an extremely broad area. Among the comments were suggestions that a single MCL of 0.05 mg/l, of 1.5mg/l, of 1.8 mg/l, of 2.0 mg/l, of 2.4 mg/l, of 2.5 mg/l, or of 5.0 mg/l be used in place of those in the regulations. There also were suggestions that different ranges be used, and that the reason for temperature-dependent MCL's be given. Some comments requested that fluoride be deleted from the regulations, or at least placed in Secondary Drinking Water Regulations. Quite a number of comments were directed toward controlled fluoridation rather than MCL's for fluoride. Some persons registered their objections to controlled fluoridation, while others requested that limits for controlled fluoridation be included in the regulations. There were comments that all fluoride should be removed from drinking water, and comments that there should be no limit on fluoride. There were comments that water supplies serving transients be excluded from the fluoride limits, and comments that educational institutions should not be excluded.

The fluoride question has been complicated by the fluoridation controversy. It was clearly the intent of Congress that Primary Drinking Water Regulations not be used as the vehicle for a national fluoridation program (House Report, p. 15). At the same time, Congress made it clear that there was no intent to prohibit or discourage fluoridation. As for changing the MCL's, either raising or lowering them, very little data were submitted to support the recommendations.

Suggestions that the MCL's be lowered were for the most part based on presumed toxicity of fluoride or on presumed increased exposure to fluoride from sources other than water. The evidence available to the Administrator indicates that the toxic effect of fluoride in drinking water is limited to mottling of dental enamel and minor changes in bone density, and that these effects occur primarily at fluoride concentrations above the proposed MCL's. It has been postulated that, with the advent of controlled fluoridation, the overall exposure of individuals to fluoride has increased to the point where the addition of more fluoride to drinking water is no longer necessary, or perhaps even to the point where lower MCL's in water ought to be established. While it is true that foods prepared in fluoridated water contribute fluoride to the diet in addition to that obtained from drinking water, it should be noted that the fluoride MCL's are based almost entirely on epidemiological evidence obtained from areas where fluoride is a natural constituent of the water. It can be assumed that in such areas most food was prepared in the local water, so the contribution of fluoride from this source was automatically taken into account;

This same epidemiological evidence showed that there is a temperature-dependent physiological effect of fluoride, both beneficial and detrimental depending on concentration. To ignore this evidence would seem to be most unwise. The use of a temperature scale for fluoride is more appropriate than for other chemicals because of the studies available on the fluoride-temperature relationship and because there is a small margin with fluoride between beneficial levels and levels with adverse health effects.

Suggestions that the MCL's be raised or eliminated were based on the interpretation of dental fluorocis as an esthetic condition rather than as a health problem or on the economic aspects of fluoride removal. The Administrator has available to him a wealth of information on the subject of fluorides, plus the advice and counsel of the dental experts at the National Institutes of Health, DHEW. On the basis of this information and counsel, the Administrator believes that the MCL's in these regulations are adequate for the protection of the health of consumers, and that there is insufficient evidence to justify altering the proposed MCL's. While the Administrator believes that the exemption of educational institutions from the fluoride limits was justified, revision of the regulations to exclude non-community public water systems from most inorganic chemical MCL's will make the exemption provision unnecessary.

11. *Mercury.* Six comments contained suggestions that the mercury limit be left as proposed except that it be applied only to methyl mercury; seven comments suggested that a limit be set for organic mercury only; and 29 comments expressed agreement with the proposed limit—a limit based on the health hazard of methyl mercury but measured as total mercury. One comment expressed dissatisfaction with mercury limits in general, on the basis that the mercury problem has been grossly exaggerated.

A specific limit for organic mercury, or designating the proposed limit as applicable only to organic mercury, both present problems in analysis, and do not provide for potential conversion of inorganic mercury to the organic form. Since the proposed limit for total mercury is based on the "worst case" concept, that is, presumes that all mercury present is in the more toxic, organic form, it provides maximum health protection. Because of the low levels of mercury found in drinking water, the economic impact of the proposed limit is expected to be minimal. The Administrator therefore is satisfied that the proposed limit for mercury is generally acceptable.

12. *Nitrate.* Most of the 21 comments on the nitrate MCL were directed toward naturally occurring nitrate and the difficulty in meeting the limit. As explained in the Statement of Basis and Purpose, nitrate can be toxic to infants. Because of the known adverse health effects of nitrate, the Administrator believes that an MCL for nitrate should be set. While it is acknowledged that removal of nitrate from drinking water is difficult, in many cases the sources of nitrate can be identified and steps taken to prevent its entry into drinking water sources. An example is the nitrate contamination of ground water as the result of surface run-off. Such contamination can often be eliminated by proper well construction.

13. *Sodium.* Several comments suggested the possibility of an MCL for sodium and the National Drinking Water Advisory Council recommended that consideration be given to

monitoring for sodium so that the public can be informed of the sodium content of available water. These concerns result from the fact that many persons in the United States suffer from diseases which are influenced by dietary sodium intake. In addition, persons may wish to limit their sodium intake for other reasons. However, EPA has not proposed an MCL for sodium, and the Advisory Council did not recommend an MCL, because the data available do not support any particular level for sodium in drinking water, and because regulation of sodium by an MCL is a relatively inflexible, very expensive means of dealing with a problem which varies greatly from person to person.

EPA has requested the National Academy of Sciences to include sodium in its study of the health effects of inorganic chemicals. In the meantime, the Agency recommends that the States institute monitoring programs for sodium, and that physicians and consumers be informed of the sodium concentration in public water systems so that they can take action they may consider appropriate.

14. *Sulfate.* Comments also were submitted urging the adoption of an MCL for sulfate. As in the case of sodium, the National Drinking Water Advisory Council recommended monitoring for sulfate levels, but did not recommend the adoption of a maximum contaminant level.

The sulfate question is similar to the sodium question in that available data do not support the establishment of any given level. A relatively high concentration of sulfate in drinking water has little or no known effect on regular users of the water, but transients using high sulfate water sometimes experience a laxative effect. Whether this effect will occur, and its severity, varies greatly with such factors as the level of sulfate in the water being consumed and the level of sulfate to which the transient is accustomed. EPA recommends that States institute monitoring programs for sulfates, and that transients be notified if the sulfate content of the water is high. Such notification should include an assessment of the possible physiological effects of consumption of the water.

The National Academy of Sciences has been asked to consider sulfate in its study. An MCL for sulfate will be proposed if it is supported by the available data.

15. *Inorganic chemical MCL's for non-community systems.* As proposed, the regulations would have made all MCL's for inorganic chemicals applicable to non-community water systems. This approach failed to take into account the fact that the proposed MCL's for inorganic chemicals, except nitrates and cyanide, were based on the potential health effects of full-time, long-term exposure. MCL's based on full-time long-term exposure are not necessary to protect transients or intermittent users served by non-community systems. Therefore, the final regulations provide that MCL's for inorganic chemicals other than nitrates are not applicable to non-community systems. Nitrates are applicable to all public water systems because they can have an adverse health effect on susceptible infants in a short period of time after exposure. (As discussed above, the other proposed inorganic chemical MCL based on short-term effects—cyanide—has been deleted.)

16. *Monitoring requirements.* Section 141.23, dealing with inorganic chemical monitoring requirements, received more comments than any other section of the proposed regulations. Altogether, there were over 300 discrete comments on inorganic chemical monitoring, with the largest segment of the comments being directed toward § 141.23 (b), the provision for increased monitoring when 75% of the maximum contaminant level is attained.

The comments on § 141.23(a) dealt mostly with the time interval allowed for compiling a historical record of water quality. Most comments contained the opinion that more time should be allowed for the "phasing in" of, particularly, the non-community water systems. On the other hand, there were comments to the effect that too much time had been allowed. There were a number of requests that non-community systems be exempted from the inorganic chemical monitoring requirements, on the basis that maximum contaminant levels are based on lifetime chronic health effects, and that users of non-community water systems are not exposed for a lifetime. There also were comments requesting that no distinction be made between different types of water systems, such as surface and ground. As noted above, because MCL's for inorganic chemicals have, in most cases, been based on chronic health effects for lifetime exposures, they will not be applied to non-community systems. Therefore, § 141.23 has been rewritten to indicate that, except for nitrates, inorganic chemicals monitoring will be required only for community water systems.

Virtually every comment on § 141.23(b) expressed criticism of the concept of increased monitoring when a contaminant level reaches 75% of the maximum allowed. Reasons given were that such monitoring imposes "a safety factor on top of a safety factor," that the State should determine when increased monitoring frequency is desirable, that analysis for some constituents would be impossible because of the limits of detection, that analytical costs would be prohibitive, that ground water contaminant levels are not variable, and that the proposed monitoring frequency was too demanding. Some commentors suggested that less frequent monitoring be allowed when a contaminant level was below 50% of the MCL.

Section 141.23(b) was written with the intent that, when a contaminant level reached 75% of the MCL, monitoring frequency would be increased so that the supplier of water would have an adequate warning of possible or impending violation of the MCL. By thus being forewarned, the supplier of water could take corrective measures before violation occurred. In light of the comments received, it has been concluded that although such sampling may be a matter of good operating practice, it is not appropriate for inclusion in a primary drinking water regulation for the reasons stated in the comments. Therefore, the Administrator has decided to withdraw § 141.23(b). However, the Administrator believes it would be prudent for the operator of a community water system to increase monitoring frequency for a contaminant which appears to be approaching the MCL, and for the States to direct such increased monitoring when appropriate.

Comments on § 141.23(c) were largely directed toward the requirement that sampling and analysis be repeated within 24 hours after determination that an MCL has been exceeded. It was felt that this did not allow enough time, and in fact there was some misunderstanding as to whether it was intended that only the resampling be completed within 24 hours or that both resampling and reanalysis be completed in this time frame. Section 141.23(c) has been rewritten to indicate that when a sample result does not comply with the MCL, the supplier of water shall initiate three additional samples within one month. Since compliance will be judged on the average of these four samples initiated over a one-month period, the requirement that the first check sample be either completed or initiated within 24 hours is not justified.

Section 141.23(d) elicited a number of comments in regard to the definition of a "moving average," and there were general objections to the public notification provision. The opinions expressed were that the public should be notified only if the violation of an MCL involved an imminent hazard to health, or that emphasis should be placed on correcting a problem rather than increasing the monitoring frequency and notifying the public. The rewording of section 141.23(c) to provide for a one-month average has eliminated the need for paragraph (d). The one-month average provides a less complicated, more efficient means of determining compliance.

In regard to public notification of noncompliance with an MCL, Section 1414(c) of the Act requires that notice of such noncompliance be conveyed to the public. The nature of the corrective measures to be taken are determined by the supplier of water and the State. The comments on § 141.23(e), the special provisions for nitrate, were directed toward the 24-hour re-analysis requirement and the concept of the special provision itself. Most comments contained the opinion that no re-analysis could be performed in the time allotted, and others questioned the basis for singling out nitrate for special consideration. Nitrate was singled out for special consideration among the inorganic chemicals because of the acute toxicity of nitrate to infants. The resampling requirement has been rewritten for improved clarity.

The comments on § 141.23(f) dealt entirely with the suggestion that alternative analytical methods be allowed. As noted above, alternative analytical techiques may be permitted by the State if the substitute method is substantially equivalent to the techniques prescribed in this regulation, in both precision and accuracy, as it relates to the determination of compliance with any maximum contaminant level.

III. Organic Chemicals

1. *CCE.* Section 141.12, maximum contaminant levels for organic chemicals, received over 80 comments. Most of these comments criticized the carbon chloroform extract (CCE) method for estimation of organic chemical contamination. Criticisms of the CCE requirement were based on cost, lack of correlation with health effects, inadequacy as a measure of total organic chemical content, inapplicability to ground water, and lack of supporting data. Some comments suggested an alternative surrogate for organic chemical contamination, including total organic carbon and chemical oxygen demand. Other comments concerning CCE were that it be considered for inclusion in the Secondary Drinking Water Regulations, that there be provision for raising the MCL when the organics content of water is shown to be harmless, and that a treatment technique be substituted for the MCL. Over twenty comments requested that the CCE procedure be dropped altogether. Three comments requested that the limit be lowered.

The general problem of organic chemicals in drinking water is accorded top priority by EPA. Concern over organic chemicals was one of the principal reasons for passage of the Safe Drinking Water Act. Surveys conducted by EPA in recent months indicate that manmade organic chemicals are present in small amounts in water supplies in many parts of the country. The Agency is committed to using the regulatory tools provided by the Act to deal with the potential adverse health effects of organic chemicals in drinking water.

The proposed use of a CCE maximum contaminant level was an attempt to deal with gross organic pollution as soon as possible pending the results of further research, sur-

veys and the NAS study. CCE was initially used as a means of taste and odor control. As concern over adverse health effects of organic chemicals grew, CCE was turned to as a rough surrogate for organics to be used as a health-based standard rather than as an esthetic standard. Unfortunately, as more is learned about organic chemical pollution of drinking water, CCE looks less and less effective as a surrogate for harmful organics.

The principal difficulty with CCE is that it includes only about one-tenth of the total organic content of the volume of water sampled and it does not measure organic compounds of greatest concern, such as the volatile halomethanes. Thus, a high CCE test result does not necessarily mean that the water tested may pose a hazard to health, and a low CCE test result may be obtained from water with a high level of potentially harmful organic compounds. In short, there is no sound basis of correlation between CCE test results and the level of harmful organic chemicals in the water tested.

To establish a maximum contaminant level under these circumstances would almost certainly do more harm than good. It could give a false sense of security to persons served by systems which are within the established level and a false sense of alarm to persons served by systems which exceed the level. It also would divert resources and attention from efforts to find more effective ways of dealing with the organic chemical problem.

Total organic carbon (TOC) and chemical oxygen demand (COD) are surrogates that have been considered, but they have limitations also. TOC has the advantage of being quicker and cheaper (on a per sample basis) than CCE, but the availability of sensitive instruments for this measurement is questionable. More investigation of the significance of any TOC number as a health effects limit is also needed. COD is easily determined with readily available laboratory equipment, but COD is not limited to organic compounds, and besides a COD number also cannot be adequately related to health significance at this time.

EPA is diverting substantial resources to research into the health effects of specific organic chemicals and groups of organic chemicals. Also, it is expected that the study of the National Academy of Sciences will produce further data on health effects. However, in view of the significance of the potential health problem, it is not enough to wait for this additional health effects data. EPA therefore will undertake to identify one or more surrogate tests for organic chemicals or organic chemical groups, and will also study in depth the presence of specific organic chemicals in drinking water supplies. It is anticipated that this effort will result in the development of an additional MCL or MCL's for organic chemicals by amendment of the Interim Primary Drinking Water Regulations without having to wait for a more complete resolution of the organic chemicals question in the Revised Regulations.

Accordingly, EPA is adopting regulations on organic chemical monitoring, using the authority of Sections 1445 and 1450 of the Act. The regulations require that over 100 selected public water systems serving substantial populations collect samples of raw and treated water for submission to EPA for organics analysis. EPA will analyze the samples for a number of general organic parameters, including CCE, TOC (volatile and nonvolatile), NVOC, Total Organic Chlorine (TOCl), ultraviolet absorbancy, and fluorescence. In addition, the water will be analyzed for 21 specific organic compounds. These laboratory analyses will be used to evaluate the extent and nature of organic chemical contamination of drinking water, to evaluate the validity of the general organic parameters as surrogates for measures of harmful organic chemicals, and to determine whether there is an adequate basis for establishing maximum contamiant levels for specific organics or groups of organics.

In addition, EPA is embarking on an intensive research program to find more definitive answers to the following four questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any primary drinking water regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of the compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to the concentrations that may be specified in the regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by this fall, while much of the remainder is to be completed within the next calendar year.

As soon as sufficient information is derived from the monitoring program and related research, primary drinking water regulations will be amended so that the organic chemicals problem can be dealt with without delay. The monitoring program will be completed within one year.

During the interim period while satisfactory MCL's for organic contamination in drinking water are being developed, EPA will act in specific cases where appropriate to deal with organic contamination. If the EPA monitoring program reveals serious specific cases of contamination, EPA will work with State and local authorities to identify the source and nature of the problem and to take remedial action. EPA will also aid the States in identifying additional community water supplies that require analysis.

2. *Pesticides.* Proposed § 141.13 contained MCL's for several organic pesticides. Most of the comments on § 141.13 (out of a total of 130) requested that the MCL's for pesticides either be raised or deleted entirely. There were two requests for inclusion of limits for 2,4,5-T, one request for an organophosphate insecticide limit, one for a limit on dioxin, and requests for limits for aldrin, dieldrin, DDT and chlorine (sic.) Other comments suggested that pesticide limits be restricted to emergencies or spills, or at least only to surface water during periods of pesticide use. There were also requests for research on carcinogenic risk and bioamplification.

These proposed pesticides levels were carefully considered by the Advisory Committee and have been reviewed in light of available data on the health effects of these pesticides and their incidence in drinking water supplies. The levels established are adequately supported by the authorities cited in the Statement of Basis and Purpose.

A limit for 2,4,5-T was tentatively proposed by the Advisory Committee but was deleted from the Committee's final report in 1973 on the grounds that EPA's ban on the use of 2,4,5-T for aquatic uses made a drinking water limit unnecessary. That ban has now been in effect for about five years, and it is highly unlikely that this herbicide exists in drinking water except perhaps in extremely rare cases in trace amounts. EPA is now investigating reports of 2,4,5-T in some waterways in Northern Louisiana, and will reconsider the desirability of an MCL for 2,4,5-T if new data indicate that the pesticide is appearing in drinking water supplies at a significant rate. Dioxin is a minor contaminant of 2,4,5-T, and the same basic considerations apply to it.

The desirability of an MCL for organophosphorus insecticides, which was recommended in 1973 by the Advisory Committee, was carefully considered by EPA. It was decided not to adopt such a level, because although these pesticides would pose a serious health risk if they were present at the consumer's tap, the fact is that there is no evidence that such pesticides reach the consumer's tap. This was discussed in the preamble to the proposed primary drinking water standards, at 40 FR 11992. As noted there, these pesticides reach water sources usually only by accident or indirectly, and their tendency to degrade rapidly apparently has prevented problems which might occur when they do reach drinking water sources. The principal threat from these pesticides is from accidental spills in water sources. The appropriate way to deal with such spills is by emergency action when they occur, not by periodic monitoring which would not catch the problem in time.

With respect to aldrin, dieldrin and DDT, EPA's national survey of the presence of these pesticides in drinking water supplies has not been completed. If the results of that survey indicate that those pesticides are present in a significant number of water supplies, an appropriate amendment of the Interim Primary Drinking Water Regulations will be proposed.

The proposed MCL's for chlordane, heptachlor, and heptachlor epoxide have been deleted because EPA is currently involved in suspension and cancellation hearings for these pesticides. MCL's will be reconsidered at a later date.

Current research on pesticides, including both surveys of their incidence in water supplies and their health effects, will be continued and expanded.

3. *Monitoring Requirements.* There were over 250 comments on § 141.24, dealing with monitoring for compliance with the MCL's for CCE and pesticides. However, most of these comments were more related to the merits of the MCL's than to the monitoring requirements. The CCE limit has been discussed above, and that discussion will not be repeated here.

A number of comments on § 141.24 suggested that monitoring requirements for pesticides be eliminated, or at least that the responsibility for such monitoring be assumed by EPA or the States rather than by public water system. Concern was expressed over the cost of monitoring for pesticides, and the absence of pesticides in public water systems in some areas.

EPA agrees that regular monitoring for pesticides is not needed for all public water systems using only ground water sources. Pesticides are rarely found in significant levels in ground water. Accordingly, the proposed §141.24 has been amended to provide that for a system using only ground water, monitoring shall be required only when specified by the entity with primary enforcement responsibility. This will more reasonably limit monitoring for pesticides in systems using only ground water to those instances when the State or EPA has reason to suspect the possibility of contamination.

In the case of surface waters, the greater incidence of these pesticides requires monitoring across-the-board. For all community water systems using surface water sources for all or part of their water, monitoring for pesticides will be required within one year of the effective date of the regulations. This monitoring shall be repeated at intervals specified by the State and in no event less frequently than at three year intervals.

Section 1424 has also been amended to require that samples to be analyzed for pesticides must be collected during a period of the year designated by the entity with pri-

mary enforcement responsibility as the period when contamination by pesticides is most likely to occur. This takes into account the fact that the level of pesticides in surface waters varies on a seasonal basis in relation to agricultural uses of the pesticides. This amendment will make monitoring for pesticides in drinking water more effective.

Several comments criticized proposed § 141.24(b), which would have required increased monitoring when the contaminant level reaches 75% of the MCL. This is basically the same question addressed above with respect to monitoring requirements for inorganic chemicals. For the same reasons, the 75% increased monitoring requirement for pesticides has been eliminated.

Other comments requested that EPA allow alternative analytical procedures. A new § 141.27 has been added to provide that a supplier of water may, with State approval, employ an alternative analytical technique.

There appears to have been some misunderstanding regarding the role of the public water system laboratory versus State or other laboratories in performing analyses for the purpose of determining compliance with these regulations, and in particular the MCL's for pesticides. Although it is intended that the individual suppliers of water be responsible for the analyses, it was not intended that each supplier of water necessarily possess the analytical capability to perform the analyses himself. It is reasonable to expect each supplier of water without its own laboratory facilities will collect and transmit water samples to approved laboratories.

It should be noted that with respect to organic chemicals and other contaminants, all MCL's and monitoring requirements in these regulations are minimum requirements, and it is incumbent on the entity having primary enforcement authority to require additional monitoring and other requirements where appropriate.

IV. Turbidity

1. *Turbidity MCL's.* About half of the more than 160 comments on the MCL for turbidity (§ 141.14) contained a request that turbidity be deleted from the Primary Drinking Water Regulations or be relegated to the Secondary Drinking Water Regulations. There were also requests that the MCL be raised, that there be a limit of 5 turbidity units ("TU") and a "goal" of 1 TU, and that the MCL be lowered. Other comments referred to turbidity in sub-arctic waters, the use of a two-level MCL for turbidity, and the apparent encouragement of chlorination.

The Administrator has determined that turbidity is indeed appropriately classified as a health limit, in that turbidity has a marked effect on the bacteriological quality of water, whether or not disinfection is practiced.

As noted above, many comments questioned the need for a turbidity limit applicable to systems using only a ground water source. In this regard the Administrator believes that in most cases, turbidity is not a problem in properly developed wells. In some cases, excess sand is included in the water pumped but this is not a health related problem. In other cases dissolved iron present precipitates upon oxidation. This also is not a health related problem. In some fractured geologic formations and particularly in limestone formations, turbidity could be a periodic problem because of a short retention times in the aquifer. In these cases the State is encouraged to take appropriate action in establishing a limit or treatment requirement.

Some comments questioned the proposal to allow an MCL of 5 TU rather than 1 TU in cases where the entity with primary enforcement responsibility specifically authorized the higher MCL. The Administrator believes this is justified on the basis that not all turbidity is related to bacteriological quality. Examples of instances where the higher turbidity may be allowed are when iron or other minerals, or minute ice crystals in otherwise satisfactory water, are the cause of the turbidity. Proving that a particular type of turbidity does not interfere with disinfection or does not interfere with microbiological determinations is not always easy. One of the best methods for proving the former is an accumulation of data showing good bacteriological quality in the distribution system over an extended period of time, even with turbidity over 1 TU. A microbiologist can, by various manipulative techniques, tell whether or not turbidity is interfering with the coliform test. No doubt a State may employ other means for determining when a public water system has qualified for the higher turbidity limit.

The proposed regulations measured the turbidity MCL only on the basis of a monthly average. The National Drinking Water Advisory Council recommended that a supplementary MCL be established to protect against the appearance of a particularly high turbidity level over a short period of time. In accordance with the Council's recommendation, § 141.13 has been amended to establish an MCL of 5 TU as an average of two consecutive daily samples. EPA agrees with the Council that turbidity levels above 5 TU cannot be justified in surface waters for more than a one-day period.

That there is an implied endorsement of chlorination in these regulations cannot be denied. The Administrator, recognizing chlorination as being the only generally available disinfectant in water treatment, has on several occasions specifically endorsed chlorination as a valuable public health measure. Pending further research, the possible long-term adverse effects of chlorination are in most cases offset by the effectiveness of chlorination for preventing bacteriological contamination.

2. *Turbidity Monitoring.* There were over 120 comments on the turbidity monitoring requirements (§ 141.22). Most of the comments were directed toward the requirements as they applied to water supplies using water from underground sources. It was agreed that turbidity in ground water need not be monitored, and in fact there were a number of comments suggesting that turbidity monitoring be deleted altogether. There were comments that the sampling was too frequent, and comments that in some circumstances the sampling was too infrequent. The question of cost was brought up in connection with sampling frequency. There also were requests for clarification of the entire section, with particular emphasis on defining an "entry point" to a distribution system.

It was the intent of the Administrator that public non-community water systems using ground water be exempted from the turbidity monitoring provisions. Unfortunately, however, the omission of commas in § 141.22(c) made it appear that only community systems using ground water were required to monitor for turbidity. The section has been written so that the turbidity monitoring requirements apply only to water systems using surface water sources. Also, for non-community systems using surface water, the regulations have been modified to require that the turbidity monitoring must be initiated within 2 years of the effective date.

The measurement of turbidity at the entry point to the distribution system, rather than at the consumer's tap, can be justified on at least two bases. First, since turbidity can be controlled only by water treatment processes, it is most appropriately measured immediately after the water has been treated, and before the measurement is affected by scale, sediment or other materials present in pipelines. Second, since one of the principal purposes for limiting turbidity is the fact that turbidity interferes with disinfection, and since disinfection is effected at the treatment plant, turbidity at the consumer's tap is not an adequate reflection of conditions where disinfection is taking place.

Comments suggesting an increased sampling frequency for turbidity in effect were suggesting operational monitoring desirable in specific cases rather than a frequency which is practical when generally applied to thousands of public water systems. It should be reiterated that these regulations contain only minimum requirements, and that more frequent monitoring can be required by EPA or the States in appproriate cases. Furthermore, there is nothing in these regulations to deter a supplier of water from more frequent turbidity monitoring as an operational guide.

Other comments on turbidity monitoring stated that the proposed requirements were too expensive. However, the cost and effort involved in measuring turbidity are not excessive. This is one parameter which can be, and in fact must be, measured by the individual suppliers of water. Almost anyone can learn to take turbidity measurements, and only a few seconds are required for each measurement. The only cost is in the purchase of a turbidimeter, which lasts for many years.

In order to take into account the fact that turbidity measurements in most cases will not be taken by trained laboratory technicians and that erroneous high readings can be obtained by careless handling of the test, § 141.22(b) has been amended to provide that if the initial daily sample appears to exceed the maximum allowable limit but a repeat sample shows a lower turbidity, the results of the repeat sample shall be used rather than the results of the initial sample.

Because turbidity is closely interrelated with filtration and disinfection, sampling is to be done at "a representative entry point(s) to the water distribution system." This means at a point between the filters and the mains. A clear well would be appropriate, as would be a point between a pump discharge and the mains if there are no filters. In the event that there are several "entry points," such as would be the case when there are several well pumps, a sampling point common to all pump discharges would obviate the necessity to sample at each pump discharge. If there is a question as to whether or not a particular sampling point were "representative" of the water being delivered to the distribution system, the State would make the decision. Alternative analytical procedures, such as continuous turbidity monitors, may be used at the discretion of the State.

V. Microbiological Limits

1. *Coliform Limits and Standard Plate Count.* There were almost 140 comments on § 141.15, Maximum Microbiological Contaminant Levels, of which about half were directed toward § 141.15(b), the standard plant count ("SPC"). Most of the comments on § 141.15(a), coliform limits, were general in nature, covering such points as clarification of the language, use of alternative indicator organisms, raising or lowering the limits, averaging of results, and the assignment of responsibility for performing the tests. Nearly all the comments on the SPC expressed opposition to the imposition of a maximum contaminant level. Opposition was based on the lack of health significance of the SPC and the unfavorable cost-benefit ratio.

Section 141.15(a) has been rewritten for clarification. The Administrator believes the coliform group of organisms are the best indicators of bacteriological quality of drinking water, although of course research into possible alternative indicators is ongoing. The Administrator also believes the maximum contaminant levels for coliform organisms are adequate to protect the health of consumers. Other limits for bacteriological quality, such as those in the World Health Organization Drinking Water Standards, may appear to be more stringent and thus more protective of health, but it must be remembered that WHO Standards are merely guidelines, not enforceable regulations. It should also be remembered that the currently proposed regulations contain minimum standards of quality, and that lower levels of contaminants should be attained when feasible. Because of the effect a single sample may have on a monthly average, particularly when only a few samples are examined per month, quarterly averaging will be allowed for those public water systems serving populations of 3300 or less.

Although the Administrator has evidence that the Standard Plate Count does have health significance, and in addition is a valid indicator of bacteriological quality of drinking water, the Administrator has deleted § 141.15(b). Because the coliform limit provides adequate protection against microbiological contamination, the cost of an SPC requirement cannot be justified. However the Administrator recommends that the SPC measurement be applied judiciously wherever indicated, if only as an operational tool, in conjunction with the coliform test.

2. *Chlorine Residual Substitution.* There were over 170 comments on § 141.16, the chlorine residual substitution provision. The comments represented overwhelming opposition to total substitution with concomitant suspension of the coliform test. There were also comments on the analytical procedure, free chlorine residual versus combined residual, and particular opposition to the concept of allowing substitution in the smaller communities. In the latter case, it was stated that a small community would not have a water system operator of sufficient skill or dedication to monitor chlorine residuals accurately or faithfully. There were several questions regarding the different chlorine residuals specified in §§ 141.16(a) and 141.16 (b). Some believed the residual should be raised, while others believed the lower residuals should be permitted.

The chlorine residual substitution provision was inserted so that in those communities where chlorination is practiced, some economic benefits might be realized by the deletion of part of the coliform testing requirements without affecting the health protection provided. In the smallest communities, total substitution of chlorine residual testing would result in a significant economic benefit, since it is in these communities that the maintenance of adequate water quality has the highest per capita cost. The Administrator believed that the maintenance of an adequate chlorine residual in a distribution system throughout a month was at least equivalent, in health safety terms, to isolated coliform tests. In the event that total substitution had been allowed by the State, the slightly higher chlorine residual provided a greater factor of safety.

It is true that a chlorine residual alone does not guarantee the absence of pathogenic bacteria. It is also true that a negative coliform test does not always guarantee the absence of pathogenic bacteria. However, the Administrator concedes that, because of questionable reliance on unskilled operators in the smallest communities, it would not be prudent to permit 100% substitution of chlorine residual testing for coliform tests in those cases. For this reason, proposed § 141.16(b) has been deleted. However, 75% substitution will be permitted where specifically authorized by the entity with primary enforcement authority.

The analytical method specified for chlorine residual testing led to some misunderstanding. The DPD method, as described in "Standard Methods of Examination of Water and Wastewater," appears to be an involved and sophisticated procedure. It was specified primarily on the basis of accuracy and sensitivity, particularly when compared with the o-tolidine procedure in common use. The latter has been shown to be inaccurate and unreliable, but remains popular because of its simplicity and the ready availability of field test kits. What is not known, apparently, is that the DPD test is almost as simple and is also available in reasonably priced field test kits.

Chlorine substitution has been specified, rather than "disinfection substitution," simply because there is no other disinfection procedure of comparable safety and reliability. Iodination has been suggested, but iodine presents a health risk to some persons.

3. *Microbiological Monitoring.* There were over 250 comments on § 141.21, microbiological contaminant monitoring requirements, of which over 70 comments were directed toward § 141.21(g), the standard plate count monitoring requirement. Although both increased and decreased sampling frequencies for coliforms were requested, by far the greater number of comments expressed the opinion that the requirements of this section were unreasonably burdensome, particularly for the smaller communities and non-community public water systems. There were also numerous requests for clarification or modification of the coliform monitoring requirements, such as requests to modify the time for resampling, requests to permit exclusion of sampling points which have been shown to be contaminated, and requests to permit discarding positive bacteriological sampling results for which the check sample results are negative. In regard to § 141.21(g), the standard plate count monitoring requirement, most comments reflected the objections to the parameter itself rather than objections to the frequency of monitoring.

Considerable attention has been given to the sanitary surveys and monitoring frequency for coliforms, particularly in the case of small community systems or non-community systems. The concept of a sanitary survey, expressed in a number of comments, can be considered as a factor in determining the sampling frequency for a particular system. The practicality of sanitary surveys, at annual or even less frequent intervals, versus the collection and analysis of two water samples per month, must be carefully considered on both economic and manpower requirements. It has been estimated that there are 200,00 non-community water systems in this country, but from the information supplied in the comments received it is evident that this number may be too conservative. An adequate sanitary survey of each of these systems in one year would create a severe strain on the skilled manpower necessary.

The consensus of opinion from the States is that, in the event a sanitary survey becomes acceptable for establishing coliform sampling frequency for any segment of public water systems, a priority scheduling of surveys will be established, with populations at risk and known trouble spots being factors to consider. With such priorities, it is evident that the non-community systems, serving small population groups and delivering water on which there is no past record, will be last to receive attention. For this reason, among others, the paragraph on coliform monitoring, § 141.21(a), has been re-written to establish a minimum sampling frequency of one per calendar quarter for non-community systems. A sanitary survey can be used as a basis for modifying the sampling frequency. For the smaller community public water systems, a new population range has been delineated, with an accompanying reduction in coliform sampling frequency. In this range (25–1,000 persons served) one sample per month is the minimum, although the State may, based on a sanitary survey verifying certain conditions, reduce the sampling frequency, except that in no case shall it be reduced to less than one per quarter. In addition, the paragraph has been re-written to clarify the intent and to spell out more precisely the means by which compliance or non-compliance is determined.

An effort has also been made to clarify the samples that should be included and excluded among those used to calculate compliance. In this regard, a paragraph has been added on "special purpose samples", to define those used to check such operations as pipe disinfection procedures.

For non-community systems, in order to ease the laboratory work load, and provide a phased approach, the bacteriological monitoring requirement must be implemented within 2 years after the effective date of the regulations. This provides a 2 year period for the suppliers, State agencies, and laboratories to prepare for the greatly increased number of samples to be analyzed.

In response to the request to permit the elimination from future sampling of those points that have a history of questionable water quality, the wording has been modified to state that any sampling point at which check samples have been required may not be eliminated from future sampling without approval of the State.

Concern has been expressed that in some cases, because of either a sampling or a laboratory error, a microbiological analysis could result in an erroneously large count. The regulations require that this result be included among those samples used in calculating the average monthly coliform bacteria density, even though the subsequent check samples may have been all negative. This high count could cause the supplier to fail the monthly average and thus require that he notify the public.

The Administrator understands this problem, but cannot agree that the one "bad" sample should not be included in calculating the average. The reason is that there is no way to confirm that the bacteriological result of a sample collected in the past was due to sampling or analytical error. It cannot be accomplished, for example, by collecting a check sample, which by the length of the standard test, would have to be collected at least one day after the original sample. The check sample would not necessarily reflect the bacterial situation of the previous day. The only way to confirm bacterial sampling results are to collect and analyze samples in duplicate or triplicate.

Since there is no provision for discarding or adjusting for occasional spurious results from sampling or analytical error, EPA recommends that for positive bacterial analyses standard analytical verification methods be used to verify analytically that coliform bacteria are present.

As stated earlier, the standard plate count requirement has been deleted, although it is recommended that the parameter be employed as conditions warrant.

VI. Laboratory Certification

There were over 100 comments on § 141.27 dealing with laboratory certification. In general, there was agreement with the con-

cept of laboratory certification, although there were a few requests for clarification of the role of the certifying authority. Most of the comments contained objections to the concept of requiring turbidity and chlorine residual tests to be performed by certified laboratories. The remaining comments addressed the cost of certification, the need for time to get labs certified, and the scarcity of qualified laboratories.

It was the intent of the Administrator that EPA would certify at least one laboratory in each State with other laboratories to be certified by the State laboratory or laboratories qualified to perform this function. Because of the transient nature of turbidity and chlorine residual values, it is not possible for a public water system to collect samples and transmit them to a central laboratory for determination of these parameters. It was the intent of the Administrator that the individual operators of public water systems perform their own turbidity and chlorine residual analyses. It would seem advisable, however, that such operators be certified, approved, or at least minimally trained to perform the analytical tasks before a State could accept their analytical determinations as having enough validity for decisions regarding compliance or noncompliance to be made.

VII. Reporting and Public Notification

1. *Reporting.* There were over 200 comments on § 141.31, dealing with reporting requirements, but only three basic criticisms; the reporting requirement should be limited to those situations which are essential to enforcement of the regulations; the section needs clarification; and the institution of reporting requirements makes compliance with the regulations either difficult or impossible. Minor comments included requests for changes in the 36-hour and 40-day reporting requirements, requests for a corrective action requirement rather than a reporting requirement, and requests that Federal agencies report to the States rather than to EPA.

Section 1413 of the Public Health Service Act deals with the role of the States in implementing and enforcing drinking water regulations. Section 1414 of the Act spells out actions to be taken if a State fails to assure enforcement of drinking water regulations. A State could not effectively comply with the provisions of these sections without receiving regular reports from every public water system within its jurisdiction. Monitoring frequencies have been established, and if only violations of maximum contaminant levels were reported the State would not know whether or not monitoring frequencies had been adhered to. Thus all activities of a supplier of water in connection with these regulations are essential to enforcement of the regulations and must be reported to the State.

It is apparent from Section 1447 of the Public Health Service Act and the legislative history of the Safe Drinking Water Act that Federal agencies are to be treated exactly like any other owner or operator of a public water system, except in cases involving national security. Therefore, the Administrator believes that it would be contrary to the intent of the Act to require Federal agencies to report only to EPA and not to States with primary enforcement responsibility. In the revision of § 141.31 of these regulations, no exemption for Federal agencies from the provisions of the regulations will be specified.

2. *Public Notification.* Section 141.32, the public notification provision, received a large number of comments. Of the more than 300 comments, only two approved of this section as written. Two additional comments contained suggestions for modification, such as, for example, to require a second notice to tell the public that the condition previously reported had now been corrected. Every other comment expressed opposition to public notification, either on the basis of disagreement with the concept, on the basis of inappropriateness for some types of water systems, or on the basis of some type of inequity. Most frequently heard comments were: the State should have the authority to notify consumers only if there is an immediate and significant threat to public health; scare tactics will lead to public disregard; notification by radio and TV within 36 hours is an unreasonable requirement; notification of the entire public is unreasonable when only a portion of the public is involved; and notification by means of water bills is unacceptable. One of the more constructive comments was that, while the concept of public notification was opposed, the supplier of water should be given the opportunity to explain the deficiency.

To explain the intent of Congress in requiring public notification, the following is quoted from House Report No. 93-1185:

"The purpose of this notice requirement is to educate the public as to the extent to which public water systems serving them are performing inadequately in light of the objectives and requirements of this bill. Such public education is deemed essential by the Committee in order to develop public awareness of the problems facing public water systems, to encourage a willingness to support greater expenditure at all levels of government to assist in solving these problems, and to advise the public of potential or actual health hazards."

The Administrator agrees that the supplier should be given the opportunity to explain the deficiency. It was not the intent of Congress, that such notices would be merely a flat statement that the water system had failed to meet the requirements of the Regulations. To quote the House Report further:

"the Committee expects that the Administrator's regulations would permit public water systems to give fair explanation of the significance or seriousness for the public health of any violation, failure, exemption or variance. These regulations should also permit fair explanation of steps taken by the system to correct any problem."

The wording has therefore been modified to permit that the supplier may use the notice to explain the significance or seriousness of the violation, to include the results of additional (subsequent) sampling, and to indicate preventative measures that should be taken by the public.

As to the unreasonableness of allowing only 36 hours prior to radio and TV notification, this wording has been modified to read 48 hours and the Administrator believes that this is adequate time to prepare such notification when an MCL is violated.

Time requirements for notification in newspapers has been established. The regulations require that the failure of any MCL shall be published in a daily newspaper or newspapers of general circulation in the area served by the system, on not less than three consecutive days, and that such notification is to be completed within seven days after the supplier learns of the failure. The notice shall be provided to radio and television stations within 48 hours after he learns of the failure.

Public notice for other failures of the regulations, such as failure to comply with testing procedures, failure to comply with monitoring requirements, and failure to comply with a schedule prescribed pursuant to a variance or exemption, is to be made by including a notice with the water bills, within at least three months after the supplier learns of the failure. In the event water bills are not issued, there is a provision for using another form of direct mail.

The provision for mailing notices responds at least in part to the comment that the notice should not be made to the entire public but only to the portion of the public using the water. Otherwise, it is true that a notice given in a newspaper of general distribution, or a radio or television broadcast, will reach more people than those affected by a particular public water system.

There is no way that this can be avoided, but there is nothing in the regulations which would prevent the notice from specifying which person or which area need be concerned about the notice.

The Administrator agrees that the proposed public notice provisions are inappropriate for non-community water systems. Notices in the local media and in water bills will not have the intended effect with these systems serving transients or intermittent users. Therefore, § 141.32 has been revised to include a provision for other types of notification, subject to approval by the State, for non-community water systems. Envisioned here are such types of notification as a poster or sign near the drinking fountain of a facility serving the travelling public, or a handbill distributed to factory workers.

VIII. Economic Considerations

There were over 100 comments on the economic aspects of the regulations. The two most frequent comments were that the estimates in the preamble were much too low, and that the economic impact on the smaller water utilities would be severe. The corrective measure suggested in most cases was that EPA should give grants to the public water systems or should provide funds to the States to pay for monitoring. In general, the comments contained criticisms of the regulations in that they were termed "not cost effective."

It was the intent of Congress that the bulk of the costs associated with the Safe Drinking Water Act would be borne by the individual public water systems and thus the consumers. Of all the comments on the cost of a program to improve the quality of drinking water, it is noteworthy that only one comment stressed the benefits to those consumers.

There is no doubt that money will be spent for increased monitoring. This is particularly true for the smaller water systems, where in the past practically no monitoring has been performed. These very small water systems are the ones which most need improvement, so it can be expected that the costs will be proportionately higher for the small systems when compared with larger systems. On a per capita basis, since so few customers are involved, the costs will be disproportionately higher for the smaller systems. Congress did not intend that the monitoring costs for these systems would be subsidized. Rather, Congress hoped that many small systems would be consolidated into larger systems, so that the costs would be shared by a larger number of consumers, and so that improved drinking water quality would more easily be attained.

A cost and economic analysis of the monitoring requirements are attached as Appendix B.

IX. Other Comments

1. *Siting.* Of the more than 70 comments on § 141.41, siting requirements, most either wanted the section deleted or else clarified in some way. The criticisms were that the requirements for siting were not realistic, that the terms used needed definitions, that State

approval be granted before a change in a water system be made, or that State approval is already required in the circumstances. The limitation regarding the "100-year flood" was criticized on the basis that water intakes (for surface water sources) must be in the floodplain. Suggestions included: use the words "geological hazards and man-made disasters;" add the phrase "avoid causing adverse environmental impacts;" and limit the provisions to "ground level or underground storage facilities, vertical wells of a system which has no filtration or any other treatment facilities."

It should be pointed out that the section on siting requirements in these regulations is flexible, in that the phrase "to the extent practicable" allows considerable leeway. These minimum siting requirements were included on the basis of section 1401 (1)(D) of the Public Health Service Act, which states: "The term 'primary drinking water regulation' means a regulation which contains * * * requirements as to (ii) siting for new facilities for public water systems." Obviously, some clarification of even these minimal requirements is called for, so the section has been revised. In accordance with Congressional intent, the revised version makes clear that all final siting decisions are to be made at the State and local government level.

2. *Effective date.* There were only three comments on § 141.51, the effective date of these regulations. All of these comments contained the request that more time be allowed for water systems, particularly those of small communities, to come into compliance.

The effective date of these regulations was established by section 141.12(a)(3) of the Public Health Service Act, which provides that, "The interim primary regulations first promulgated under paragraph (1) shall take effect eighteen months after the date of their promulgation." The Administrator believes that, by scheduling the monitoring requirements in several phases, ample consideration has been given to small systems. Variances and exemptions will be available in appropriate cases.

3. *Radionuclides.* There were approximately 50 comments relating to maximum contaminant levels for radionuclides. However, EPA only proposed MCL's for radionuclides on August 14, 1975, 40 FR 34324. Comments on radionuclides will be taken into account in that rulemaking proceeding.

4. *Water treatment chemicals.* Ten comments addressed chemical requirements in connection with the proposed regulations. The comments stated that certain chemicals, particularly activated carbon and filter grade alum, are in short supply.

It is acknowledged that an increase in the extent of water treatment will cause an increased demand for water treatment chemicals. If a particular treatment technique were to be specified, the demand for any chemical involved in that treatment technique could increase dramatically. Since no treatment in lieu of a monitoring requirement was specified in these regulations, the problem has not surfaced as yet. Before specifying any treatment technique, the Administrator will investigate both the availability of the necessary chemicals and the costs associated with that treatment technique. Naturally, the effect of an increased demand for a particular chemical on the cost of that chemical will also be investigated. Because of the phasing of the provisions of the Safe Drinking Water Act, and because there is currently no shortage of raw materials for the production of water treatment chemicals, it can be expected that ample quantities of these chemicals will be available for conventional water treatment when they are needed.

5. *Treatment techniques.* On the subject of treatment techniques or treatment technology, 30 comments contained criticisms or suggestions. It was noted that no treatment techniques were specified in lieu of MCL's, and almost unanimous support for this approach was expressed. On the other hand, it was suggested that information on treatment technology to remove certain contaminants be supplied.

While no treatment technique requirement was included in these regulations, the Administrator may specify such techniques in revised regulations if warranted. The Administrator believes, however, that it is always preferable to specify monitoring requirements if at all possible, because of the uncertainties involved in a treatment technique. Although a treatment technique may appear to be capable of removing a particular contaminant, based on laboratory or pilot plant studies, in actual water plant operation such removal may not always occur. Without monitoring, the adequacy of the treatment technique cannot be ascertained. As for technology for the operation of a conventional water treatment plant, operation and maintenance regulations are to be published separately. Techniques to be used for the removal of specific contaminants are the subject of ongoing research.

6. *Miscellaneous.* Comments not classified elsewhere addressed a number of miscellaneous topics, including the following: typographical errors, regulations for the quality of intake water, control of pollutants at the source rather than in drinking water, training of water plant operators and the encouragement of young people to enter the water treatment field, control of watersheds as a means for improving the drinking water quality, amending the regulations to eliminate systems serving less than 200 people, setting of priorities according to size and type of system when applying the regulations, regulations for interconnections of supplies, provision of technical support by the Environmental Protection Agency Regional Offices, and the development of a policy on carcinogens as an aid to standard setting.

Appendix B—Cost and Economic Analysis Executive Summary [1]

1.0 *Safe Drinking Water Act of 1974.* The objective of the Safe Dranking Water Act (Pub. L. 93-523) is to establish standards which will provide for safe drinking water supplies throughout the United States. To achieve this objective the Congress authorized the Environmental Protection Agency to establish national drinking water regulations. In addition, the Act provides a mechanism for the individual States to assume the primary responsibility for enforcing the regulations, providing general supervisory aid to the public water systems, and inspecting public water supplies.

The purpose of the legislation is to assure that water supply systems serving the public meet minimum national standards for the protection of public health. Prior to passage of the Act, the Environmental Protection Agency was authorized to prescribe Federal drinking water standards applicable only to water supplies used by interstate carriers. Furthermore, these standards could only be enforced with respect to contaminants capable of causing communicable diseases. In contrast, the Safe Drinking Water Act authorized the Environmental Protection Agency to establish regulations to (1) protect public water systems from all harmful contaminants; (2) protect underground sources of drinking water; and (3) promote a joint Federal-State system for assuring compliance with these regulations.

1.1 *National interim primary drinking water regulations.* The EPA published its Proposed National Interim Primary Drinking Water Regulations in the Federal Register, March 14, 1975. The EPA held four public hearings and received several thousand pages of public comments on the proposed regulations. Based upon its review of the comments, the EPA revised the proposed regulations for final publication. The major provisions of the Interim Primary Drinking Water Regulations are:

1. Maximum contaminant levels for certain chemical, biological, and physical contaminants are established;

2. Monitoring frequencies to determine that contaminant levels assure compliance are established; and

3. A methodology to notify consumers of variances, exemptions, and non-compliance with standards is set forth.

1.2 *The Water Supply Industry.*

1.2.1 *Public Water Systems.* The Safe Drinking Water Act of 1974 covers public water systems that regularly serve an average of 25 people or have at a minimum 15 service connections. Systems that serve the travelling public are considered public water systems under the Act. EPA currently estimates there are 240,000 public water systems that will be subject to the regulatory requirements developed under the Act.

The Interim Primary Drinking Water Regulations categorize public systems as community and non-community systems. A community system is defined as a public system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. The non-community system category includes those systems which serve a transient population. At the present time the distribution between the two classes of public systems is estimated as follows:

Community systems	40,000
Non-community systems	200,000
Total	240,000

Based on the data contained in the ongoing EPA public water supply inventory, there are approximately 177 million persons served by community water systems. Table 1-1 shows the distribution of community systems by population served. Most of the community water systems are small in size. Over 90 percent of the nation's supplies are in the under 10,000 persons served category but they provide water to less than 25 percent of the total population served by community systems.

While all public systems do not treat all of the water they supply to their customers, they do employ a variety of treatment processes. The current EPA Inventory of Public Water Supplies indicates that the most prevalent treatment processes are used to control bacteriological contamination and turbidity. The percentage of systems employing the various treatment processes is presented in Table 1-2.

[1] This summary is based on a detailed and comprehensive study prepared for EPA by Energy Resources Company of Cambridge, Massachusetts, titled, "Economic Evaluation of the Interim Primary Drinking Water Regulations" (October 1975).

TABLE 1–1.—*Distribution of community water systems*

System size (persons served)	Number of water systems	Total population served (in thousands)	Percent of total population served
25 to 99	7,008	420	0.2
100 to 9,999	30,150	36,816	20.8
10,000 to 99,999	2,599	61,423	34.6
100,000 and over	243	78,800	44.4
Total	40,000	177,439	100.0

Source: EPA Inventory of Public Water Supplies (July 1975).

TABLE 1–2.—TREATMENT PROCESSES EMPLOYED BY COMMUNITY WATER SYSTEMS

Treatment:	*Percent* [1]
Aeration	6.6
Prechlorination	7.8
Coagulation	11.3
Sedimenation	8.9
Filtration	12.8
Softening	4.9
Taste and odor control	3.4
Iron removal	5.7
Ammoniation	0.9
Fluoride adjustment	8.5
Disinfection	35.2

[1] Percentages do not total 100 percent since many systems have multiple treatments, or no treatment.

Source: EPA Inventory of Public Water Supplies (July 1975).

Community water systems may be publicly or privately owned. The majority, 58 percent, of the 40,000 community water supplies are publicly owned and these systems supply 88 percent of the total drinking water production.

As indicated earlier, it is estimated that there are approximately 200,000 public non-community water systems. Most of these systems are privately owned. Non-community systems are found at service stations, motels, restaurants, rest areas, camp grounds, State parks, beaches, national parks, national forests, dams, reservoirs, and other locations frequented by the travelling public. Some schools and industries are also included in this category. Data on these systems are very sparse, and only rough cost estimates can be made.

The portion of the water supply industry considered here includes only those systems which primarily supply water for residential, commercial, industrial and municipal use. An approximate allocation of water use by various categories of users is shown in Table 1–3. As might be expected most of the water delivered, 63 percent, is for residential purposes. The second largest use, industrial, consumes 21 percent.

TABLE 1–3.—COMMUNITY WATER SUPPLY USE BY CATEGORY

Type of use:	*Percentage of total*
Residential	63
Commercial	11
Industrial	21
Municipal	5
Total	100

Source: U.S. Geological Survey Data (1972)

1.3 *Costs to meet the interim primary drinking water regulations.*

1.3.1 *Monitoring costs.* The implementation of the Interim Primary Drinking Water Regulations will require all public water systems to initiate a monitoring program to determine that the maximum contaminant level requirements of the regulations are not exceeded in finished drinking water. The costs associated with this monitoring activity are a function of system size, water source, and classification (community vs. non-community).

There are two classes of monitoring costs, routine monitoring costs and non-compliance monitoring costs, imposed by the interim regulations. Routine monitoring costs are those incurred in meeting the sampling requirements of the Interim Primary Drinking Water Regulations, to determine compliance with the regulations. Non-compliance monitoring costs are those which are incurred when additional sampling must be made if routine monitoring results indicate that a system is not in compliance with one or more maximum contaminant limit.

The Interim Primary Drinking Water Regulations call for the monitoring of four classes of contamination: inorganic, organic, microbiological, and turbidity. The routine monitoring frequencies for community and non-community systems are shown in Tables 1–4 and 1–5.

TABLE 1–4.—*Monitoring requirements: Community supplies; interim primary drinking water regulations*

Component	System type	Deadline for initial sampling after effective date	Testing frequency
Coliform	Ground and surface	1 mo.	Monthly.[1]
Inorganic chemicals	Surface	1 yr.	Annually.
	Ground	2 yr.	Every 3 yr.
Organic chemicals	Surface	1 yr.	(2).
	Ground	As specified by the State.	As specified by the State.
Turbidity	Surface	1 d.	Daily.

[1] Supplies must collect minimum required samples during each month after effective date. The number of samples varies with the system size from 1 to 500 samples per month.
The State may reduce the sampling frequency based on a sanitary survey of a system that serves less than 1,000 persons from a groundwater source, except that in no case shall it be reduced to less than one per quarter.
[2] The analyses shall be repeated at intervals specified by the State but in no event less frequentlythan at 3-yr intervals.

TABLE 1-5.—*Monitoring requirements: Noncommunity supplies; interim primary drinking water regulations*

Component	System type	Deadline for initial sampling after effective date	Testing frequency
Coliform	Surface and ground	2 yr	Quarterly.[1]
Inorganic chemicals—nitrates only.	Surface and ground	do	Determined by the State.
Turbidity	Surface	do	Daily.

[1] May be modified by the State based on sanitary survey.

In developing routine monitoring costs, the number of systems requiring routine monitoring is fixed by the number of ground and surface water supply systems in each discrete size range and the monitoring frequency prescribed by the regulations. Therefore, the only variable in the cost equation is the price per analysis. This price will depend on the institutional arrangements made by each system for analytical services. At the present time some water supplies perform their own analyses, while others depend on State health agencies or private commercial laboratories. The unit analytical costs developed for the monitoring costs estimates are as follows:

Analysis:	*Cost range*
Coliform	$5–10
Complete inorganic	70–170
Complete organic	150–260

The lower costs are based on costs incurred in EPA laboratories while the higher costs are based on commercial laboratory estimates.

In developing non-compliance monitoring costs, the critical variable is the number of additional samples required when a system exceeds a maximum contaminant level (MCL). The interim regulations require a minimum of two check samples when the coliform MCL is exceeded and at least three repeat samples when an inorganic or organic MCL is exceeded. In each instance the supplier must continue the sampling procedure until two consecutive samples show that the MCL is not exceeded. For coliform violations it is expected that from 2 to 5 special analyses may be needed. For organic and inorganic violations it is expected that from 3 to 6 special analyses may be necessary.

The estimated costs for routine and special monitoring for public water systems are summarized in Table 1-6. In the first year of implementation the annual costs are expected to fall in a range of $14 million to $30 million. By the end of the third year when the non-community systems begin to monitor, the annual monitoring costs will rise to a range of $17 million to $36 million. These monitoring cost estimates do not reflect the costs of existing monitoring programs. Current routine monitoring is estimated at approximately $10 million to $17 million annually.

TABLE 1-6.—*Total monitoring costs mandated by the interim primary drinking water regulations*

[In millions of dollars]

	1st year	2d year	3d year
Cost of routine monitoring for the 40,000 community systems[1]	13.30-27.3	12.70-26.3	12.3-25.5
Monitoring due to violations of MCL for 40,000 community systems:			
(i) Coliform violation monitoring	.50- 2.0		
(ii) Inorganic violation monitoring	.01- .3	.01- 0.3	
Routine monitoring costs for 200,000 public systems[2]			4.5- 9.4
Monitoring due to violations of MCL for 200,000 public systems[3]			.3- .8
Total	14.00-30.0	13.00-27.0	17.0-36.0

[1] Annual costs beginning the 1st year after implementation of the regulations.
[2] Annual costs beginning the 3d year after implementation of the regulations.
[3] Total monitoring costs due to violations spread over a 5-yr period.

NOTE.—Totals may not add due to rounding.

1.3.2 Treatment costs. Once the monitoring program is initiated, some systems will find that they exceed one or more maximum contaminant levels (MCL). These systems will then be faced with an additional cost in order to meet the required MCL. There are several alternative routes which a system can pursue in order to comply with the Regulations. Some of the alternatives include:

1. Installing treatment facilities capable of reducing the MCL to an acceptable level;

2. Developing a new source of supply of better quality;

3. Purchasing better quality water from another water utility; or

4. Merging the system with one or more adjoining systems which have a higher quality supply.

If none of the above are feasible, a system can apply for a variance or exemption to the MCL under the provisions of the Interim Primary Regulations. Therefore, the costs incurred by a water supply in reducing the concentration of a contaminant to an acceptable level are site specific and will depend on such factors as, treatment facilities available, age of system, proximity of other suppliers, source of water, and many other inter-related problems.

However, in projecting national costs for treatment the option of installing treatment facilities was assumed to be the method systems would select to provide safe drinking water.

The following basic assumptions are implicit in developing costs for the treatment options:

1. Surface water systems not presently clarifying will install some form of filtration;

2. Approximately 30 percent of the community water systems not presently disinfecting will install chlorination units;

3. Advanced treatment is necessary to remove inorganics;

4. Estimates of the number of MCL violations were based on 1969 Community Water Supply Study, except for mercury. Mercury violations were based on recent EPA studies.

The national treatment costs for public water systems are summarized in Table 1–7. The majority of costs, if all systems elect to treat for contaminant violations, will be incurred in order to meet the turbidity and inorganic requirements of the interim regulations. Ranges were developed for capital costs only. This range is based on making two assumptions for daily flow. If a system were required to install treatment, it would have to consider sizing their new components to reflect average daily flow conditions or maximum daily flow conditions in cases where system storage is not adequate. Whatever sizing option a system selected it is unlikely that significant additional operation and maintenance expenses would result.

TABLE 1–7.—*National costs of treating contaminants in drinking water*

[In millions of dollars]

Treatment technology	Contaminant	Capital costs	Annual operation and maintenance
Community systems:			
Clarification	Turbidity	379–683	189
Chlorination	Coliform	17–27	7
Ion Exchange	Ba, Cr, Cd, NO^3, Hg, Se	619–997	52
Activated alumina	As, fluoride	31–53	11
pH Control	Pb	3–4	.1
Subtotal		1049–1764	259
Non-community systems:			
Clarification	Turbidity	10	1
Chlorination	Coliform	14	3
Subtotal		24	4
Total		1073–1788	263

NOTE.—Totals may not add due to rounding.

1.4 *Economic impact of the interim primary drinking water regulations*

The expenditures required to comply with the Interim Primary Regulations will have an impact on all water users served by public water supplies covered by the Safe Drinking Water Act. All persons served by these systems will feel the impact of monitoring costs to some extent. However, the most noticeable impact of the regulations will be on users of public water systems that do not meet the MCL requirements of the regulations.

An estimate of the total annual costs of capital, operation and maintenance, and monitoring necessary to comply with the Regulations is shown in Table 1–8.

TABLE 1–8.—ESTIMATED TOTAL ANNUAL COSTS OF IMPLEMENTING THE INTERIM PRIMARY DRINKING WATER REGULATIONS FOR PUBLIC WATER SUPPLY SYSTEMS IN MILLIONS OF DOLLARS [1]

Annual capital [2]	146–247
Annual operation and maintenance	263
Annual monitoring (routine only)	17–35
Total annual	426–545

[1] 1975 dollars.

[2] Assumes capital costs amortized over 15 years at 7-percent interest.

1.4.1 *Water supply economics.* The price consumers pay for water is determined, in general, by costs the utility incurs to operate and maintain the system. However, some publicly-owned water systems may have their costs and revenues conglomerated with the cost of other municipal services, and the water bill paid by the consumer may not completely reflect the status of the water system alone.

Water system rate structures vary from system to system, and may also differ for various user classes within the same system. There are four basic types of rate structures which are used around the country. Some systems use a "normal block" structure which results in lower unit costs to customers that use high volumes of water. In the "inverted block" structure, higher units costs are imposed upon customers who use higher volumes of water. Under a "flat" rate structure, there is one single charge per unit for all customers regardless of use. Generally, the flat rate structure applies to residential customers only. Finally, in the "non-incremental" rate structure, the unit cost of water is based on the number of water consumption units owned by the user.

Prices charged for water are usually regulated by a State or local commission appointed to evaluate the need for rate hikes. In most States, investor-owned utilities are under the jurisdiction of State regulatory commissions. Publicly-owned utilities are either regulated by local boards or are unregulated. Any lengthy lag time between rate increase requests and rate increase approvals may pose problems in the implementation of the interim regulations.

Most water utilities, both public and private, finance large capital investments by retaining profits or acquiring debt. Publicly-owned systems may have access to municipal funds or can sell either general obligation or revenue bonds to be repaid from general revenues or water revenues. Private, investor-owned systems may issue stocks and bonds, and unlike publicly-owned systems, their credit ratings are dependent on the profitability of their own operations. Since interest rates are generally proportional to risk, water utilities in more secure financial positions can borrow money at lower interest rates. At the present time the interest rates on municipal bonds is 4–6 percent while the rate for debt issues of private-owned utilities is 6–8 percent.

In the water industry there does not seem to be a correlation between present debt levels and long-term financial soundness. Although a majority of water systems today have debt ratios ranging upward from 40 percent, almost one-fourth of the water systems are presently debt-free. Approximately 85 percent of these debt free systems serve communities of less than 5,000 people. However, many of these small systems do not have a positive net income, while larger water systems with high debt to book value ratios do have positive net income.

Records indicate that per capita consumption of water tends to decrease following significant increases in water rates. Among individual users the decrease would occur where there is a high elasticity of demand; e.g., lawn sprinkling. Industrial and commercial users have shown no elasticity to price increases. If demand declines sharply after initial rate hikes and total revenues do not increase enough to cover increased cost, a second rate increase may be necessary.

1.4.2 *Per capita costs.* Monitoring costs vary with the size of the water system involved. The number of samples for routine bacteriological monitoring is a function of the number of persons served. For community supplies the number of samples can range from a minimum of 1 sample per quarter for systems serving 1000 people or less to a maximum of 500 samples per month for systems serving more than 4,690,000 people. For non-community supplies only one sample per quarter is required.

In general, the annual impact of routine chemical monitoring will vary depending on the frequency of sampling rather than the number of samples. The frequency of sampling will depend on the system type: ground water vs. surface water; community system vs. non-community. The annual monitoring costs on a per capita basis are shown in Table 1–9. The per capita costs for the smallest community system (25 persons served) are high in comparison to other system sizes. However, there are very few systems in this category and the States may desire to enter into institutional arrangements to lessen their annual monitoring burden.

TABLE 1–9.—*Annual monitoring costs per person served versus system size and type for community water system*

System size	System type	
	Surface	Ground
25	$7.20–$15.05	$3.35–$7.05
100	1.80– 3.75	.85– 1.75
500	.35– .75	.15– .35
1,000	.20– .40	.10– .20
2,500	.15– .30	.05– .10
5,000	.10– .25	.05– .15
10,000	.10– .20	.05– .15
100,000	.05– .15	.05– .15
1,000,000	(1)– .05	(1)– .05
10,000,300	(1)	(1)

[1] Less than $0.05.

However, treatment costs may be responsible for much higher per capita cost increases than monitoring costs. As indicated earlier, public water systems not meeting the MCL requirements of the interim regulations will incur the major cost burden. The impact of the treatment costs will also vary with the size of the water system involved. Table 1–10 summarizes the treatment costs as they affect systems of different sizes.

It should be pointed out that the per capita costs displayed in Table 1–10 are weighted averages. Treatment costs have been weighted by the projected frequency of the various treatment techniques within each size subcategory. By its nature, the weighted average does not give a true representation of the costs to a particular consumer. In all categories, there are five treatments possible with a wide variation in costs. In Table 1–11, the range of annual per capita monitoring and treatment costs are presented. From this table it can be seen that the annual per capita treatment costs for disinfection are expected to range from $3.85 to $2.10 in the Smallest system category, from $2.75 to $0.30 in the Small system category and so on.

	Smallest systems (25 to 99 people served)	Small systems (100 to 9,999 people served)	Medium systems (10,000 to 99,999 people served)	Large systems (over 100,000 people served)
Annual capital costs (in millions)	$3.80- $6.40	$60.20-$101.40	$52.30- $88.10	$30.50-$51.20
Annual operation and maintenance costs (in millions)	2.10	48.60	74.10	134.10
Annual monitoring costs (in millions)	.30- .60	.60- 1.30	1.20- 2.50	1.30- 2.90
Total annual costs (in millions)	6.20- 9.10	109.40- 151.30	127.60- 164.70	165.90- 188.20
Weighted average cost per capita per year	37.00- 54.00	11.00- 15.00	9.00 - 12.00	10.00- 11.00
Increase in household monthly water bill [1]	9.60- 14.05	2.85- 3.95	2.35- 3.05	2.55- 2.90

[1] Assumes 3.11 persons per household and that all increases in costs are passed on to the consumer.

TABLE 1-11.—*Annual per capita treatment and monitoring cost ranges for 4 size categories*

	Smallest systems (25 to 99 people served)	Small systems (100 to 9,999 people served)	Medium systems (10,000 to 99,999 people served)	Largest systems (over 100,000 people served)
Treatment: [1]				
Disinfection	$3.85- $2.10	$2.75-$0.30	$0.45-$0.15	$0.25
Turbidity control	152.00- 52.00	78.00-16.00	20.00-12.50	15.00
Heavy metal removal	237.00-101.00	142.00-25.50	35.00-13.00	18.00
Lead control	2.60- 1.20	1.80- .30	.40- .20	.30
Fluoride/arsenic removal	11.80- 7.85	11.30- 3.15	5.00- 3.15	3.55
Monitoring	15.80- .85	3.75- .05	.20- .05	.15

[1] Lower cost limit based on assumption that treatment plant built to treat average daily demand and upper cost limit based on maximum daily demand, except for the smallest systems category where costs are based on average daily demand only.

1.4.3 *Impact analysis.* As Table 1-10 and Table 1-11 demonstrate, the potentially most severe impact could occur for users of the smallest or small systems. Assuming that treatment and monitoring costs are directly passed on to the consumer, the monthly water bill for a household in the smallest systems, may increase on the average between $10 and $14.

However, as noted earlier, these systems may choose not to install treatment facilities in order to comply with the regulations. Several options are available to them:

1. Developing a new, less contaminated source;
2. Joining a regional system;
3. Purchasing treated water; or
4. Blending water from existing source with water of higher quality.

The exemption and variance provisions of the Act provide for temporary immunity from the regualtions on the basis of economic hardship or technical difficulties. Federal loan programs may also ease the impact on users of small systems. The Farmers Home Administration sponsors a loan and grant program to aid the financing of water and sewer system construction in small communities. The loans are offered at low interest rates and with long repayment schedules. The Safe Drinking Water Act also authorizes a loan guarantee program for small systems. These programs will reduce community costs, but they will not completely mitigate the possibility of high cost impacts on households in small systems.

It is not certain how systems will finance the costs associated with these regulations—either through higher taxes or higher water rates—but it is certain that the Interim Drinking Water Regulations will have the gratest impact on those served by smaller water systems. Further study is underway to determine if financing will be a serious problem for large or small systems.

At the present time EPA believes that the economic impact of the construction requirements will be spread over at least a four-year period from the promulgation of the regulations because the regulations will not result in immediate compliance. The effective date of the regulations will be 18 months after promulgation. Non-compliance may not be discovered until initial sampling has been completed. For community water supplies the deadlines for initial sampling range from 1 day for turbidity to 2 years for inorganic samples of ground water systems after the effective date. Therefore, in some cases, more than 3 years from promulgation could elapse before inorganic violations would be detected and corrective actions initiated. In addition the use of the exemption or variance provisions of the regulations could further prolong compliance for public water systems unable to comply for economic or technical reasons.

It is estimated that the investor-owned water systems will pay approximately one-fourth of the total treatment costs, while the publicly-owned companies would pay the remainder. However, since many of the investor-owned systems serve very small populations, the capital demands on these systems could be great.

In 1974, the water supply industry spent approximately $1.5 billion for capital improvements. The average yearly total annual capital costs mandated by the Interim Primary Regulations are estimated to be about 13 to 24 percent of this figure. It is anticipated that the industry as a whole would be able to raise the additional necessary capital. Small systems could encounter difficulty in financing new treatment facilities, particularly when clarification, a relatively expensive treatment process, is required. The implementation of these Regulations may force many communities to allocate funds, which may be needed to provide other services to the community, for the treatment of their drinking water.

Data on non-community systems is sparse. However, it is not anticipated that these regulations will have a serious economic impact on them.

The macroeconomic effects of the Interim Primary Drinking Water Regulations are expected to be minimal. On the average, the regulations will cause an increase in water rates of 9.5 percent spread over several years. If this increase occurred in one year, the resulting increase in the Consumer Price Index (CPI) would be less than 0.001 percent. Since the costs of these regulations will be incurred over several years, the average annual increase in the CPI will be even less. The Chase Econometric model was used to examine the impact of all existing pollution abatement regulations.[1] The analysis showed that there will be an average annual increase in the CPI for 1974 to 1980 of less than 0.1 percent due to these pollution abatement regulations.

1.5 *Constraints to implementation of the interim primary drinking water regulations.* The implementation of the National Interim Primary Drinking Water Regulations within a reasonable time frame would greatly depend on the availability of key chemicals and supplies needed in the treatment of drinking water; availability of manpower to operate treatment facilities; adequate laboratory capability to conduct sample analyses; and sufficient supply of engineering and construction services to build or improve treatment facilities.

In particular, the Interim Regulations will increase demand for coagulants and disinfecting agents as the needed treatment facilities are completed. An increased demand could cause some temporary dislocations in chemical markets, but in the long-run, increased demand will result in an expansion of supplies. It is projected that the 1980 demand for ferric chloride may reach 115 to 120 percent of the present production, while alum demand will be approximately 115 percent of current production. There is a general consensus of opinion that organic polyelectrolytes will become the dominant flocculating agents in the future. However, there are no reliable estimates of which polyelectrolyte(s) will be dominant and when the shift in chemical usage will occur.

At the present time there are approximately 180,000 people employed in the water supply industry. With the implementation of the Interim Primary Drinking Water Regulations between 13,000 and 27,000 additional personnel would be needed nationwide. These personnel would be required to perform such tasks as monitoring and enforcing the Regulations, operating the required treatment facilities, performing laboratory analysis of water samples, program assistance and program administration. It is anticipated that water systems may have difficulty hiring qualified personnel.

The third potential constraint is in the availability of adequate laboratories to perform the required chemical and biological analyses. Coliform monitoring is now being performed at State, local and private laboratories. In meeting the coliform monitoring requirements, water suppliers should not have difficulty finding laboratory facilities. At the present time there is little routine monitoring being done for heavy metals and organic compounds of concern in the Regulations. However, there are adequate numbers of public and private laboratories capable of performing these analyses although State certification of laboratories, required by the regulations, could constrain available laboratory facilities.

The final area where constraints could occur is in the design and construction of the required treatment facilities. Although the annual cost of required new construction represents less than 0.4 percent of the present total annual new construction in the United States, design and construction of new water treatment plants is highly specialized. Some communities, especially those in rural areas, may have difficulty obtaining these services due to their expense or unavailability.

[1] Chase Econometric Associates, Inc. "The Macroeconomic Impacts of Federal Pollution Control Programs," prepared for the Council of Environmental Quality and the Environmental Protection Agency, January 1975.

1.6 *Limits of the analysis.* In developing the cost estimates used in this study, it was necessary to use several simplifying assumptions. This section explores these assumptions and what their overall impact might be.

The first assumption is that there are 40,000 community water supply systems in the nation and that they are represented accurately by the current EPA inventory of community water supply systems. There is some evidence that when the inventory is completed there will be a total of 50,000 community systems rather than the estimated 40,000. This increase in systems would cause an increase in monitoring costs of about 12 percent and a similar increase in treatment costs.

All costs for public non-community systems were based on the assumption that there are 200,000 of these systems nationwide. At the present time there is no accurate inventory of these systems, thus, this number is solely an estimate. It is anticipated that the EPA will be performing an inventory of these systems in the next few years so that these estimates can be updated.

A major consideration not used in developing treatment costs is that many systems may use alternative water management practices rather than install more costly treatment processes when they exceed an MCL requirement. For example, ground water systems might blend water from a "clean" well with that from a "dirty" well so that the resultant water will not exceed the MCL. Similarly, no estimate is possible to determine the possible benefits which might result from cascading treatment processes. An example of this is that clarification units might remove enough heavy metals so that the MCL might not be exceeded. These treatment alternatives would vary from site to site so that it is impossible to quantify the benefits which would be derived.

1.7 *Energy use.* It is estimated that approximately 21,200 billion BTU's per year will be required to operate plants and produce chemicals for the various treatment systems necessary for the 40,000 community systems to meet the regulations. This is about 0.028 percent of the 1973 national energy consumption, based on the 1974 Statistical Abstract. The increase in energy use will depend on a number of factors, including whether pollution in surface sources of waters is successfully controlled. There will be no direct energy savings from the recommended action.

[FR Doc.75-33836 Filed 12-23-75;8:45 am]

PART 141—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS

Subpart E—Special Monitoring Regulations for Organic Chemicals

Pursuant to Sections 1445(a) and 1450(a)(1) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, the Administrator of the Environmental Protection Agency hereby issues a new 40 CFR 141, Subpart E, to become effective immediately. This subpart establishes sampling, monitoring, testing and other requirements applicable to designated public water systems for the purpose of providing data for the establishment of maximum contaminant levels of organic contaminants in drinking water.

Concurrently with this publication, EPA is promulgating National Interim Primary Drinking Water Regulations under the authority of the Safe Drinking Water Act ("SDWA"). Those regulations contain maximum contaminant levels, monitoring frequencies and analytical procedures for microbiological contaminants, turbidity, and selected inorganic and organic chemicals. The Interim Primary Drinking Water Regulations are to become effective 18 months after promulgation.

EPA is embarking on an intensive research program to find answers to the following questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any Primary Drinking Water Regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of these compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to concentrations that may be specified in the Primary Drinking Water Regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by the end of this year, while much of the remainder are to be completed within the next calendar year.

Subpart E is intended to provide a rapid means of obtaining data in support of the possible establishment of additional maximum contaminant levels for organic chemical contaminants of drinking water, either as individual compounds or groups of compounds. These regulations will form the basis of a wide-ranging monitoring and analytical study to be performed by EPA in conjunction with the States and designated participating public water systems. These regulations will also generate information on the occurrence of potentially hazardous organic chemicals in a cross-section of public water systems covering a substantial portion of the population of the United States and representing various types of drinking water sources and treatment processes. They will provide information which is currently lacking on the actual distribution of a number of organic chemicals and will make it possible for EPA to attempt to correlate the presence of these chemicals with the results of several general and chemical group analytical procedures. This information will aid in the development of future primary drinking water regulations.

The recently completed National Organics Reconnaissance Survey (NORS) reported detection of six volatile organic compounds in a sampling of 80 cities. Extensive additional gas chromatographic/mass spectrometric analyses were performed on 10 of these 80 water systems. However, these were one-time samples and therefore do not indicate seasonal effects on drinking water quality nor any other temporary factors such as intermittent discharge or the long term effects of treatment applications in controlling finished water quality. The special study covered by these regulations was derived, in part, from the preliminary results obtained in the NORS Survey and is intended to respond to many of the questions which it raised so that the appropriate regulatory actions may be determined. Many of the systems from the previous survey will be resampled several times during this period to provide an indication of longer-term and seasonal variations in the quality of drinking water.

This study will include analyses for approximately 20 specific organic compounds deemed to be candidates for particular concern, and analyses of 6 surrogate group chemical parameters which are indicators of the total amount of organic contamination. Several of these surrogate procedures show promise as indicators of specific families of compounds such as chlorinated (halogenated) organics or aromatic compounds. They also show promise as practical methods which could be developed and widely applied for surveillance and quality control of drinking water in many water systems, particularly those public water systems which are not large enough to be financially capable of providing highly sophisticated computerized gas chromatographic/mass spectrometric analyses.

In order to assure a rapid and efficient method of providing data of uniform and assured quality, EPA will assume the principal responsibility for analysis and evaluation of the water samples taken by the designated public water systems. The water systems involved may be required to provide background information and follow-up investigation as necessary.

EPA feels that this monitoring study, in conjunction with its other substantial research efforts, will provide the basis for a coherent and rational approach to the control of organic chemical contamination of public water systems.

Good cause exists for promulgation of these regulations without first asking for comment on them, in view of the widespread public concern, the need to move as quickly as possible to carry out the Congressional mandate to deal with organic chemicals, and in view of the fact that the burden imposed on designated public water systems is limited.

Organic Chemicals To Be Surveyed

The basic monitoring study will be completed within one year and will involve multiple samplings from each designated system. Water samples and concentrates will be collected on site and shipped to EPA laboratories for analysis.

The study will consist of analyses for a number of organic compounds and 6 surrogates in approximately 100 public water systems in the United States. Many of the compounds to be selected for inclusion in this study will be halogenated and aromatic organic compounds. Virtually no chlorinated organic

compounds are known to occur naturally in fresh water. Many are considered to be liver toxins and/or potential carcinogens in some concentration. It would be expected that any chlorinated organic compounds found in drinking water would have been generated either from industrial manufacturing operations, agricultural operations, or during chlorination of water for the purpose of disinfection. Many aromatic compounds are also considered to be chronic toxicants and some have been shown to be carcinogens in test systems such as animal feeding. Aromatic compounds might also reach drinking water systems from industrial sources, urban surface runoff, or from atmospheric fallout of materials generated during combustion processes. Other possible candidates include aromatic amines and nitrosamines.

The compounds to be studied are being selected on the basis of available toxicity data, information on possible occurrence in public water systems with significant frequency, and the availability of practical analytical methods for identification and quantification. They may include: benzene; carbon tetrachloride; p-dichlorobenzene; vinyl chloride; 1, 2, 4-trichlorobenzene; bis-(2-chloroethyl) ether; 1, 1, 2-trichloroethylene; 2, 4-dichlorophenol; fluoranthene; 11, 12-benzofluoranthene; 3, 4-benzofluoranthene; 1, 12-benzoperylene; 3, 4-benzopyrene; indeno (1, 2, 3-cd) pyrene; chloroform; bromodichloromethane; bromoform; 1, 2-dichloroethane; polychlorinated biphenyls; and pentachlorophenol. Additional studies will be performed on aromatic amines (e.g. benzidine) and nitrosamines.

In addition to the analyses of specific compounds, a number of analyses of general organic indicators will be performed in order to determine possible relationships between the presence of the specific chemicals and certain general surrogate analytic procedures which should be more applicable for routine monitoring in public water systems. The following general indicators will be used:

(1) Total Organic Carbon analysis offers promise as a general organic measurement parameter for drinking water and is already widely accepted in the area of waste treatment organics monitoring. The procedure indicates the total amount of organically bound carbon present in the sample and is not selective among types of compounds. The technique essentially consists of oxidation of the organic chemicals in a water sample to carbon dioxide which is either quantified directly or converted to methane which is then quantified. Sample collection is simple, analysis is rapid (10 minutes) and may be automated, cost per sample is low, and interference from inorganic carbon can be avoided. Reliable and accurate instrumentation is now becoming available for application of this procedure to drinking water.

(2) The Ultraviolet and Fluorescence Spectroscopic methods, which primarily indicate the presence of aromatic compounds. The advantages of these methods are sampling simplicity, the small sample size required, and the speed and low cost per sample.

(3) Color analyses, which are relatively simple and rapid methods which may indicate the presence of certain organic compound types, particularly humic substances. Some recent data indicate that a relatively quantitative relationship may exist between color intensity and the quantity of humic substances which represent the largest portion of dissolved organic chemicals in some waters.

(4) Total Organic Chlorine analyses, which offer promise for rapid, accurate indication of the presence of all chlorine-containing organic compounds. This procedure involves oxidation of the haloorganics in a water sample followed by microcoulometric quantification. The analysis is rapid after sample concentration. The present apparatus has not generally been applied to drinking water, but EPA is conducting a concurrent program to develop the application so that this potentially important method may be utilized in this monitoring study.

(5) The Carbon-Chloroform Extract procedure (CCE), which consists of passage of 60 liters of water through a carbon column at a constant rate for 48 hours. The carbon adsorbant is then extracted with refluxing chloroform followed by removal of most of the chloroform and evaporation of the residue to constant weight. The entire analytical process requires about 6 days for completion and the concentrates represent something less than 10% of the total organics content of the sampled water. Therefore, CCE is not amenable to on-line process control monitoring. However, in this study, this CCE data and historical CCE data will be interrelated with specific compound analyses and the other surrogate analyses, to designate the optimum monitoring methodologies for field use which are most indicative of the presence of those organic compounds which potentially pose risks to human health.

Other methods of sample collection and concentration which are being evaluated for this and concurrent studies include the use of macroreticular resins which have shown promise for application to drinking water analytical technology.

Within two weeks from the publication of this subpart, in consultation with the States, EPA will designate approximately 100 public water systems for inclusion in the special monitoring program for organic chemicals. The systems will be selected to represent each major type of water supply (rivers, impoundments and ground water), quality of water, treatment, region and population size. Most of the systems should serve large metropolitan areas, but some may be small enough to be representative of the water types and problems associated with smaller systems. The number of systems to be selected will be sufficient to permit an evaluation of the relationship of specific contaminant concentrations to several general organic parameters.

EPA in consultation with the State will work closely with each system to assure that proper sampling techniques are used. In addition, when preliminary results indicate that a potentially harmful organic chemical is present in significant amounts in a particular water system, EPA and the State will consult with the system and provide technical advice and assistance where appropriate. In some cases, it may be possible to identify a particular point source which is causing serious contamination of a public water system, or to determine that additional treatment should be installed by a system without waiting for the nationwide survey results.

For the reasons given above, Chapter 40 of the Code of Federal Regulations is hereby amended by adding Subpart E to Part 141, as follows. The new regulations take effect December 24, 1975.

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

§ 141.40 Special monitoring for organic chemicals.

(a) The Administrator may designate, by publication in the FEDERAL REGISTER, public water systems which are required to take water samples, provide information, and in appropriate cases analyze water samples for the purpose of providing information on contamination of drinking water sources and of treated water by organic chemicals.

(b) The Administrator shall provide to each public system designated pursuant to paragraph (a) of this section a written schedule for the sampling of source water or treated water by the system, with written instructions for the sampling methods and for handling of samples. The schedule may designate the locations or types of locations to be sampled.

(c) In cases where the public water system has a laboratory capable of analyzing samples for constituents specified by the Administrator, the Administrator may require analyses to be made by the public water system for submission to EPA. If the Administrator requires the analyses to be made by the public water system, he shall provide the system with written instructions as to the analytical procedures to be followed, or with references to technical documents describing the analytical procedures.

(d) Public water systems designated by the Administrator pursuant to paragraph (a) of this section shall provide to the Administrator, upon request, information to be used in the evaluation of analytical results, including records of previous monitoring and analyses, information on possible sources of contamination and treatment techniques used by the system.

(Secs. 1445 and 1450 of the Public Health Service Act, 88 Stat. 1660 (42 U.S.C. 300j-4 and 300j-9))

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